

## Extra Ordinary Part - V / 2005

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# The Gujarat Government Gazette EXTRAORDINARY

PUBLISHED BY AUTHORITY

XLVI]

SATURDAY, FEBRUARY 5, 2005/MAGHA 16, 1926

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

## PART-V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

### THE GUJARAT OBSEQUIAL DINNERS (CONTROL) (REPEAL) BILL, 2005.

GUJARAT BILL NO. 1 OF 2005.

#### A BILL

*to repeal the Gujarat Obsequial Dinners (Control) Act, 1963.*

It is hereby enacted in the Fifty-sixth Year of the Republic of India as follows:-

1. This Act may be called the Gujarat Obsequial Dinners (Control) (Repeal) Act, 2005. Short title.
2. The Gujarat Obsequial Dinners (Control) Act, 1963 is hereby repealed. Repeal.

Guj.8 of  
1964.

**STATEMENT OF OBJECTS AND REASONS**

With a view to preventing misuse of food-stuff following ritual practices, the Gujarat Obsequial Dinners (Control) Act, 1963 was enacted.

On coming into force, the Gujarat Foodstuffs (Regulation of Use or disposal in sacrifice) Order, 1969 which was made in exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 to regulate the use, disposal or distribution of foodstuffs by offering oblations in sacrifices, the Gujarat Obsequial Dinners (Control) Act, 1963 is no longer required to be kept on the Statute Book.

This Bill seeks to repeal the said Act.

Dated the 1<sup>st</sup> February, 2005,

**KAUSHIK PATEL.**

By order and in the name of the Governor of Gujarat,

**D. D. UPADHYAY,**

Gandhinagar,  
Dated the 5<sup>th</sup> February, 2005.

Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

GOVERNMENT CENTRAL PRESS, GANDHINAGAR.



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## PART-V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

### THE BOMBAY WEIGHTS AND MEASURES (ENFORCEMENT) (GUJARAT REPEAL) BILL, 2005.

GUJARAT BILL NO. 2 OF 2005.

#### A BILL

*to repeal the Bombay Weights and Measures (Enforcement) Act, 1958 in its application to the State of Gujarat.*

It is hereby enacted in the Fifty-sixth Year of the Republic of India as follows:-

1. This Act may be called the Bombay Weights and Measures (Enforcement) (Gujarat Repeal) Act, 2005. Short title.

Bon. LXIX  
of 1958.

2. The Bombay Weights and Measures (Enforcement) Act, 1958 in its application to the State of Gujarat is hereby repealed. Repeal.

V- Ex. 2-1

2-1

**STATEMENT OF OBJECTS AND REASONS**

The Bombay Weights and Measures (Enforcement) Act, 1958 was enacted to provide for enforcement of standards of weights and measures. Since the Parliament has enacted the Standards of Weights and Measures (Enforcement) Act, 1985 and section 75 of the said Act provides for the repeal of the corresponding provision of any law as in force in the State. It is, therefore, considered necessary to repeal the said State Act.

This Bill seeks to repeal the Bombay Weights and Measures (Enforcement) Act, 1958 in its application to the State of Gujarat.

Dated the 1<sup>st</sup> February, 2005.

**KAUSHIK PATEL.**

By order and in the name of the Governor of Gujarat,

**D. D. UPADHYAY,**

Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

Gandhinagar,  
Dated the 5<sup>th</sup> February, 2005.

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GOVERNMENT CENTRAL PRESS, GANDHINAGAR.





सत्यमेव जयते

# The Gujarat Government Gazette

## EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XLVII

WEDNESDAY, FEBRUARY, 9, 2005/MAGHA 20, 1926

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

### PART - V

#### Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:—

#### THE GUJARAT CINEMAS (REGULATION) (AMENDMENT)

BILL, 2005.

GUJARAT BILL No. 3 OF 2005.

#### A BILL

*further to amend the Gujarat Cinemas (Regulation) Act, 2004.*

It is hereby enacted in the Fifty-sixth Year of the Republic of India as follows:—

- |   |   |  |
|---|---|--|
| <p>1. This Act may be called the Gujarat Cinemas (Regulation) (Amendment) Act, 2005. <b>Short title.</b></p> <p>2. In the Gujarat Cinemas (Regulation) Act, 2004, for section 4, the following shall be substituted, namely:—</p> <p>“4. The authority having power to grant licence under this Act shall be the District Magistrate within his jurisdiction :</p> <p>Provided that the State Government may, by notification in the <i>Official Gazette</i>, constitute for the whole or any part of the State such other authority as it may specify in the notification to be the licensing authority for the purposes of this Act.”</p> | <p>Guj. 21 of 2004.</p> <p>Licensing Authority.</p> | <p>Substitution of section 4 of Guj. 21 of 2004.</p> |
|---|---|--|

**STATEMENT OF OBJECTS AND REASONS**

The Commissioner of Police has power to grant cinema licence under his jurisdiction and elsewhere such powers are delegated to the District Magistrate under section 4 of the Gujarat Cinemas (Regulation) Act, 2004. In the areas, under the jurisdiction of the Commissioner of Police, there is a huge and long-standing arrears of entertainment tax due to the Government. This situation arises on account of two separate authorities. In city areas, though the District Magistrate is a tax collecting authority, he can not take any action against the cinema owners for defaulting on payment of entertainment tax because the licensing authority is the Commissioner of Police.

In order to make speedy recovery of entertainment tax and to streamline the power to grant licence and to collect tax under the same authority, it is necessary to withdraw the power of Commissioner of Police to grant licence and to delegate the said power to the District Magistrate who is also an entertainment tax collecting authority.

This Bill seeks to achieve the aforesaid object.

**INDRAVIJAYSINH JADEJA**

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

This Bill involves delegation of legislative power in the following respect :-

*Clause 2.-* The proviso to this clause empowers the State Government, by notification in the *Official Gazette*, to constitute such other authority to be the licensing authority for the whole or any part of the State.

The delegation of legislative power as aforesaid is necessary and is of a normal character.

Dated the 7<sup>th</sup> February, 2005.

**INDRAVIJAYSINH JADEJA**

By order and in the name of the Governor of Gujarat,

**S. S. PARMAR,**

Gandhinagar,

Dated the 9th February, 2005.

Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.



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# The Gujarat Government Gazette

## EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XLVII

WEDNESDAY, FEBRUARY 9, 2005/MAGHA 20, 1926

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

### PART - V

#### Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:—

#### THE BOMBAY LABOUR WELFARE FUND (GUJARAT AMENDMENT)

BILL, 2005.

GUJARAT BILL NO. 4 OF 2005.

A BILL

*further to amend the Bombay Labour Welfare Fund Act, 1953.*

It is hereby enacted in the Fifty-sixth Year of the Republic of India as follows :—

1. (1) This Act may be called the Bombay Labour Welfare Fund (Gujarat Amendment) Act, 2005.

Short title  
and  
commencement

(2) It shall be deemed to have come into force on the 31<sup>st</sup> December, 2004.

Bom. XL  
of 1953.

2. In the Bombay Labour Welfare Fund Act, 1953 (hereinafter referred to as "the principal Act"), in section 2,—

Amendment  
of section 2 of  
Bom. XL of  
1953.

(1) in clause (2), in sub-clause (b), for the words "seven hundred and fifty rupees", the words "three thousand and five hundred rupees" shall be substituted;

(2) in clause (10), for the words "three years", the words "one year" shall be substituted.

Amendment  
of section 6A  
of Bom. XL of  
1953.

3. In the principal Act, in section 6A,-

(1) in sub-section (5),

(i) for the words "three years", the words "one year" shall be substituted;

(ii) the words "each year" shall be deleted;

(2) in sub-section (7), for the words "four years", the words "two years" shall be substituted.

Amendment  
of section 6B  
of Bom. XL of  
1953.

4. In the principal Act, in section 6B, for sub-section (2) and provisos thereunder, the following shall be substituted, namely:-

"(2) The amount of employee's contribution shall be payable every six months in respect of every employee whose name stands on the register of the establishment concerned in the month of June, or as the case may be, in the month of December, at the rate of three rupees for each such employee and the amount of employer's contribution shall be payable at every six months at the rate of six rupees for each such employee:

Provided that the State Government may, by notification in the *Official Gazette*, increase the said rate of employee's contribution to such amount not exceeding six rupees if it considers necessary so to do to enable the Board to fulfill the objects of this Act:

Provided further that where the rate of employee's contribution is so increased by the State Government, the rate of employer's contribution shall be twice the rate of employee's contribution as so increased."

Repeal and  
savings.

5. (1) The Bombay Labour Welfare Fund (Gujarat Amendment) Ordinance, 2004 is hereby repealed.

Guj. ord. 3 of  
2004.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act, as amended by this Act.



## STATEMENT OF OBJECTS AND REASONS

With the increased industrialisation in the State of Gujarat and in order to give benefit of the welfare activities to the employees working in the various factories and establishments and their dependants, it is considered necessary to enlarge the coverage with effective implementation of the Bombay Labour Welfare Fund Act, 1953 and to provide more finance to the Gujarat Labour Welfare Board so as to enable the Board to fulfill the objects of the Act.

The following notes explain the important provisions of the Bill:-

*Clause 2.*-Under the existing definition of 'employee' as defined in clause (2) of section 2, a person in a supervisory capacity drawing wages exceeding rupees seven hundred and fifty per month is not covered. It is proposed to increase the said wage limit from rupees seven hundred fifty to rupees three thousand five hundred per month so as to cover more persons within the purview of the Act.

*Clause 3.*-(i) Under the existing provisions of sub-section (5) of section 6A, the public notice in respect of unpaid accumulation is required to be published in two news papers at every six months for a period of three years. In order to reduce the expenditure on this account, it is proposed to publish such notice in two local news papers for a period of one year only;

(ii) under the existing provision of sub-section (7) of section 6A, claim of unpaid amount is allowed to be paid within four years. In order to shorten the period, it is proposed to reduce the period from four years to two years for making claim in respect of unpaid accumulation.

*Clause 4.*-Under the existing provision of sub-section (2) of section 6B,—

(i) the contribution is payable by the employee only if his name stands on the register of the establishment concerned on 30<sup>th</sup> June or 31<sup>st</sup> December. It is proposed to delete the date of the month and to provide that the employees whose names appear on the register or muster roll of the establishment during the month of June or December,

(ii) the amount of contribution payable by the employees is fifty paise and by employers is rupee one for every six month. It is proposed to increase such amount from fifty paise to rupees three and from rupee one to six rupees.

As the Gujarat Legislative Assembly was not in session, the Bombay Labour Welfare Fund (Gujarat Amendment) Ordinance, 2004 was promulgated to amend the said Act to achieve the aforesaid object.

This Bill seeks to replace the said Ordinance by an Act of the State Legislature.

RAMANLAL VORA

Because of the amendment in section 6B of the Bombay Labour Welfare Fund Act, 1953 as proposed by clause 4 of this Bill, about 10,00,000 employees are expected to be brought within the purview of the Act. On the basis of equal contribution of rupees twelve by employer and Government, the Government's contribution to the Labour Welfare Fund every year is likely to be about Rs. 120 lacs. The amount of such contribution would vary according to the variation in the number of employees that may be covered by the Act, from time to time. Therefore, the provisions of this Bill, if enacted and brought into force, would involve expenditure from the Consolidated Fund of the State to that extent.

Dated the 7<sup>th</sup> February, 2005.

RAMANLAL VORA.

#### MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves the delegation of legislative power in the following respects :-

*Clause 4.-* Proviso to sub-section (2) of section 6B of the Bombay Labour Welfare Fund Act, 1953 which is proposed to be amended by this clause empowers the State Government to increase, by notification in the *Official Gazette*, the rate of employees contribution to the amount not exceeding rupees six to enable the Board to fulfill the objects of the Act.

The delegation of Legislative power as aforesaid is necessary and is of a normal character.

Dated the 7<sup>th</sup> February, 2005.

RAMANLAL VORA

By order and in the name of the Governor of Gujarat,

Gandhinagar,  
Dated the 9<sup>th</sup> February, 2005.

S. S. PARMAR,  
Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.



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# The Gujarat Government Gazette EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol XLVI)

FRIDAY, FEBRUARY 11, 2005/MAGHA 22, 1926

Separate paging is given to this Part in order that it  
may be filed as a Separate Compilation.

## PART - V

### Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the Gujarat Government Gazette. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

### THE INDIAN STAMP (GUJARAT AMENDMENT) BILL, 2005.

### GUJARAT BILL NO. 5 OF 2005.

### A BILL

*further to amend the Indian Stamp Act, 1899 in its application  
to the State of Gujarat.*

It is hereby enacted in the Fifty-sixth Year of the Republic of India  
as follows :-

1. This Act may be called the Indian Stamp (Gujarat Amendment) Act, 2005. Short title.
2. In the Indian Stamp Act, 1899 in its application to the State of Gujarat, after section 9, the following new section shall be inserted, namely:- Insertion of section 9A in 2 of 1899.

Power of State Government to consolidate duties in respect of receipts. "9A. The State Government may, by order published in the Official Gazette, provide for consolidation of duties in respect of any receipts or class of receipts given by any person (including any Government), subject to such conditions as may be specified in the order."

**STATEMENT OF OBJECTS AND REASONS**

As per the existing provision of article 53 of the Indian Stamp Act, 1899, receipt exceeding rupees five thousand is chargeable to stamp duty in the form of Revenue Stamp. With a view to facilitate for consolidate payment of stamp duty in the case of receipts to the Government and semi-Government organisation and to reduce the printing cost of the stamps, it is proposed to insert new section 9A in the said Act to enable the State Government to consolidate stamp duty in respect of any receipts or class of receipts given by any person by publishing an order in the *Official Gazette*.

This Bill seeks to achieve the aforesaid object.

**KAUSHIK PATEL**

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

The Bill involves delegation of legislative power in the following respects :-

*Clause 2.-* New section 9A, proposed to be inserted by this clause in the Indian Stamp Act, 1899, empowers the State Government to consolidate the Stamp Duty by an order published in the *Official Gazette*.

The delegation of the legislative power as aforesaid is necessary and is of a normal character.

Dated the 10th February, 2005.

**KAUSHIK PATEL.**

By order and in the name of the Governor of Gujarat,

**S. S. PARMENR**

Gandhinagar,  
Dated the 11<sup>th</sup> February, 2005. Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department





सत्यमेव जयते

# The Gujarat Government Gazette

## EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XLVI] MONDAY FEBRUARY 14, 2005/ MAGHA 25, 1926

Separate paging is given to this Part in order that it  
may be filed as a Separate Compilation.

### PART - V

#### Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and translation to be published in the Gujarat Government Gazette. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

#### THE BOMBAY NON-TRADING CORPORATIONS (GUJARAT REPEAL) BILL, 2005.

GUJARAT BILL NO. 6 OF 2005.

#### A BILL

*to repeal the Bombay Non-Trading Corporations Act, 1959.*

It is hereby enacted in the Fifty-sixth Year of the Republic of India as follows :-

1. This Act may be called the Bombay Non-Trading Corporations (Gujarat Repeal) Act, 2005. **Short title.**

Bom. XXVI of  
1959.

2. (1) The Bombay Non-Trading Corporations Act, 1959 in its application to the State of Gujarat is hereby repealed.

**Repeal and  
savings.**

Bom. I of 1904.

Bom. XXVI of  
1959.

(2) Notwithstanding such repeal, the provisions of section 7 of the Bombay General Clauses Act, 1904 shall apply in relation to the repeal of the Bombay Non-Trading Corporations Act, 1959 as if the Act had been an enactment within the meaning of the said section 7.

**STATEMENT OF OBJECTS AND REASONS**

The Bombay Non-Trading Corporations Act, 1959 provides for the incorporation, regulation and winding up of non-trading corporations which are formed for the purpose of promoting or encouraging commerce, industry, literature, arts, science, diffusion of useful knowledge, foundation and maintenance of libraries, museums or such other purposes. On gaining experience, it has been observed that these types of activities can be undertaken by forming a society under the Societies Registration Act, 1860 or under the Bombay Public Trusts Act, 1950 and therefore, it does not seem necessary to have such a special legislation for the above referred purposes. It is, therefore, considered necessary to repeal the said Act. This Bill seeks to repeal the Bombay Non-Trading Corporations Act, 1959 in its application to the State of Gujarat.

Dated the 11<sup>th</sup> February, 2005.

**VAJUBHAI VALA.**

By order and in the name of the Governor of Gujarat,

**S.S. PARMAR,**

Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

Gandhinagar,  
Dated the 14<sup>th</sup> February, 2005.

GOVERNMENT CENTRAL PRESS, GANDHINAGAR.



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**The Gujarat Government Gazette**  
PUBLISHED BY AUTHORITY  
**EXTRAORDINARY**

Vol. XLV]

WEDNESDAY, FEBRUARY, 16, 2005/MAGHA 27, 1926

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**PART - V**

**Bills introduced in the Gujarat Legislative Assembly**

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:—

**THE BOMBAY PROHIBITION (GUJARAT AMENDMENT)**

**BILL, 2005.**

**GUJARAT BILL NO. 7 OF 2005.**

**A BILL**

*further to amend the Bombay Prohibition Act, 1949.*

It is hereby enacted in the Fifty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Bombay Prohibition (Gujarat Amendment) Act, 2005.

2. It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Short title  
and  
commencement.

Amendment  
of section  
66 of Bom.  
XXV of  
1949.

2. In the Bombay Prohibition Act, 1949 (hereinafter referred to as "the principal Act"), in section 66, in sub-section (1),—

Bom. XXV  
of 1949.

- (i) the proviso to paragraph (i) shall be deleted;
- (ii) the proviso to paragraph (ii) shall be deleted;
- (iii) the proviso to paragraph (iii) shall be deleted;

Amendment  
of section  
85 of Bom.  
XXV of  
1949.

3. In the principal Act, in section 85, in sub-section (1),—

- (a) in paragraph (i),—
  - (i) the proviso to sub-paragraph (a) shall be deleted;
  - (ii) the proviso to sub-paragraph (b) shall be deleted;
- (b) in paragraph (ii),—
  - (i) the proviso to sub-paragraph (a) shall be deleted;
  - (ii) the proviso to sub-paragraph (b) shall be deleted;

Amendment  
of section  
92 of Bom.  
XXV of  
1949.

4. In the principal Act, in section 92, in sub-section (1), for the words "it shall", the words "it may" shall be substituted.



**STATEMENT OF OBJECTS AND REASONS**

With a view to preventing the consumption of an intoxicant and to subjecting the accused to render community service in lieu of imprisonment and to send him for medical treatment for getting freed from addiction of intoxicant, the Gujarat State Legislature had, by making amendment in the Bombay Prohibition Act, 1949, inserted a new section 92. But, due to existing provisions of minimum imprisonment in sections 66 and 85 in the Bombay Prohibition Act, the provision of section 92 could not be implemented effectively. On the other hand, there has been a huge number of pending prohibition cases in various courts of the State.

In order to overcome this situation, it is felt necessary to delete the provisions of minimum imprisonment prescribed in sections 66 and 85 of the Act.

The Bill seeks to amend the said Act to achieve the aforesaid object.

**AMIT SHAH**

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

This Bill involves the delegation of legislative power in the following respect:-

*Clause 1.*—Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the Official Gazette, the date on which the Act shall come into force.

The delegation of legislative power, as aforesaid, is necessary and is of a normal character.

Dated the 15<sup>th</sup> February, 2005.

**AMIT SHAH**

By order and in the name of the Governor of Gujarat,

**S. S. PARMAR,**

Gandhinagar,

Secretary to the Government of Gujarat,

Dated the 16th February, 2005.

Legislative and Parliamentary Affairs Department.



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# The Gujarat Government Gazette

## EXTRAORDINARY

### PUBLISHED BY AUTHORITY

Vol. XLVI]

WEDNESDAY, FEBRUARY 16, 2005/MAGHA 27, 1926

Separate paging is given to this Part in order that it may be filed as a Separate Compilation

#### PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the Gujarat Government Gazette. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

#### THE BOMBAY RATIONING (PREPARATORY AND CONTINUANCE) MEASURES (GUJARAT REPEAL) BILL, 2005.

GUJARAT BILL NO. 8 OF 2005.

#### A BILL

*to repeal the Bombay Rationing (Preparatory and Continuance) Measures Act 1947 in its application to the State of Gujarat.*

It is hereby enacted in the Fifty-sixth Year of the Republic of India as follows :-

1. This Act may be called the Bombay Rationing (Preparatory and Continuance) Measures (Gujarat Repeal) Act, 2005. Short title.

Repeal and  
savings.

2. (1) The Bombay Rationing (Preparatory and Continuance) Measures Act, 1947 in its application to the State of Gujarat is hereby repealed.

Bom. LVIII of  
1947.

Bom. I of 1904.

Bom. LVIII of  
1947.

(2) Notwithstanding such repeal, the provisions of section 7 of the Bombay General Clauses Act, 1904 shall apply in relation to the repeal of the Bombay Rationing (Preparatory and Continuance) Measures Act, 1947 in its application to the State of Gujarat as if the Act had been an enactment within the meaning of the said section 7.

**STATEMENT OF OBJECTS AND REASONS**

The Bombay Rationing (Preparatory and Continuance) Measures Act, 1947 is now inoperative in the State of Gujarat and is not required to be continued in the Statute Book. Therefore, considering all the aspects of the aforesaid Act, the same needs to be repealed.

This Bill seeks to repeal the Bombay Rationing (Preparatory and Continuance) Measures Act, 1947 in its application to the State of Gujarat.

Dated the 15th February, 2005.

**KAUSHIK PATEL.**

By order and in the name of the Governor of Gujarat,

Gandhinagar,  
Dated the 16<sup>th</sup> February, 2005.

**S. S. PARMAR,**  
Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

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सत्यमेव जयते

# The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol : XLVII] THURSDAY, FEBRUARY 17, 2005/MAGHA 28, 1926

Separate paging is given to this Part in order that it may be filed as a Separate Compilation

## PART V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the GUJARAT GOVERNMENT GAZETTE. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

### THE GUJARAT ESSENTIAL COMMODITIES AND CATTLE (CONTROL) BILL, 2005.

GUJARAT BILL NO. 9 OF 2005.

#### A BILL

*to provide, in the interests of the general public, for the control and regulation of the production, movement, supply and distribution of, and trade and commerce in certain commodities and the maintenance and movement of cattle in the State of Gujarat.*

WHEREAS it is expedient to provide, in the interest of the general public, for the control and regulation of the production, movement, supply and distribution of certain commodities essential to the life of the community and for the control and regulation of trade and commerce therein, and for the maintenance, licensing and movement of cattle, and the licensing of dealers in such commodities and cattle, and for certain other purposes;

It is hereby enacted in the Fifty-sixth Year of the Republic of India as follows :-



1. (1) This Act may be called the Gujarat Essential Commodities and Cattle (Control) Act, 2005. Short title and extent.

(2) It extends to the whole of the State of Gujarat.

**Definitions.**

2. In this Act, unless the context otherwise requires, -
- (a) "cattle" means any of the animals specified in Part II of the Schedule;
  - (b) "essential commodity" means a commodity specified in Part I of the Schedule;
  - (c) "notified order" means an order notified in the *Official Gazette*.

**Amendment of Schedule.**

3. The State Government may, by notification in the *Official Gazette*, direct additions to, or omissions from, either or both Parts of the Schedule whether generally, or with reference to any particular area specified in the notification, and the Schedule shall, on the issue of the notification, be deemed to be amended accordingly.

**Powers to control production, supply, distribution, etc.**

4. (1) If the State Government is of opinion that it is necessary or expedient so to do for maintaining or increasing the supply, or for securing the equitable distribution and availability at fair prices, of any essential commodity or cattle, it may, by order provide -

- (a) for regulating or prohibiting the production, supply and distribution of, or trade and commerce in, such essential commodity,
- (b) for regulating or prohibiting movement, supply and distribution of or trade and commerce in, or for regulating the maintenance of cattle.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), an order made thereunder may provide -

- (a) for regulating licence, permit or otherwise the production or manufacture of any essential commodity;
- (b) for regulating by licence, permit or otherwise the storage, movement, transport, distribution, disposal, acquisition, use or consumption of any essential commodity;
- (c) for prohibiting the withholding from sale of any essential commodity ordinarily kept for sale;
- (d) for requiring any person holding in stock any essential commodity to sell the whole or a specified part, of the stock at such price to the Government or to an officer or agent, of such Government or to such other person or class of persons, and in such circumstances, as may be specified in the order;
- (e) for controlling the price at which any essential commodity or cattle may be brought or sold;
- (f) for regulating by licence, permit or otherwise, the movement, transport, distribution, disposal, acquisition, use and keeping of cattle;

- (g) for collecting any information or statistics with a view to regulating or prohibiting any of the matters aforesaid;
- (h) for requiring persons engaged in the production, supply or distribution of, or trade or commerce in, any essential commodity or cattle to maintain and produce for inspection such books, accounts and records, relating to their business and to furnish such information relating thereto, as may be specified in the order;
- (i) for requiring owners as well as persons in charge of cattle to maintain and produce for inspection, such books, accounts and records relating to the number of cattle owned, controlled and maintained by them as may be specified in the order;
- (j) for any incidental and supplementary matters, including in particular the entering and search of premises, vehicles and vessels, the seizure by a person authorised to make such search of any articles in respect of which such person has reason to believe that a contravention of the order has been, is being or is about to be committed, and of any vehicle, vessel or animal which he has reason to believe has been, is being or is about to be used for carrying such articles, the grant or issue of licences, permits or other documents, and the charging of fees therefor.

(3) Where any person sells any essential commodity in compliance with an order made with reference to clause (d) of sub-section (2), there shall be paid to him the price therefor as hereinafter provided :-

- (a) where the price can consistently with the controlled price, if any, fixed under this section, be agreed upon, the agreed price;
- (b) where no such agreement can be reached, the price calculated with reference to such controlled price, if any;
- (c) where neither clause (a) nor clause (b) applies, the price calculated at the market rate prevailing in the locality at the date of sale.

5. (1) An order made under section 4 shall -

- (a) if it is an order of a general nature or affecting a class of persons, be notified in the *Official Gazette*;
- (b) if it is an order affecting an individual corporation or firm, be served in the manner provided for the service of a summons in Rule 2 of Order XXIX or, as the case may be, rule 3 of Order XXX in the First Schedule of the Code of Civil Procedure, 1908;
- (c) if it is an order affecting an individual person other than a corporation or firm, be served on the person -

- (i) personally, by delivering or tendering to him the order, or
- (ii) by post, or
- (iii) where the person cannot be found, by leaving an authentic copy of the order with some adult male member of his family or by affixing such copy to some conspicuous part of the premises in which he is known to have last resided or carried on business or worked for gain and a written report

**Publication  
and service of  
orders.**



of such affixing shall be prepared and witnessed by two persons living in the neighborhood.

- (2) Where a question arises whether a person was duly informed of an order made in pursuance of section 4, compliance with the requirements of sub-section (1) shall be conclusive proof that he was so informed, but failure to comply with the said requirements shall not preclude proof by other means that he was so informed or affect the validity of the order.

**Delegation of powers.** 6. The State Government may, by notified order, direct that the power to make orders under section 4 shall be exercisable also by such officer or authority and in relation to such matters and subject to such conditions, if any, as may be specified in the order.

**Effects of orders inconsistent with other enactment.** 7. Any order made or deemed to be made under section 4 shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act, or any instrument having effect by virtue of any enactment other than this Act.

**Ordinary avocations of life to be interfered with as little as possible.** 8. Any authority or person acting in pursuance of this Act shall interfere with the ordinary avocations of life and the enjoyment of property as little as may be consonant with the general interest of the public.

**Penalties.** 9. (1) If any person contravenes any order made or deemed to be made under section 4, shall on conviction be punished, -

- (i) in the case of an order made with reference to clause (g), (h) or (i) of sub-section (2) of that section, with imprisonment for a term which may extend to one year and shall also be liable to fine;
- (ii) in the case of any other order, with imprisonment for a term which may extend to three years and shall also be liable to fine :

Provided that if the court is of opinion that a sentence of fine only will meet the ends of justice, it may, for reasons to be recorded, refrain from imposing a sentence of imprisonment.

- (2) Any Court trying the contravention of an order may direct that any property in respect of which the Court is satisfied that the order has been contravened, and any vehicle, vessel or animal which the Court is satisfied has been used with the knowledge of the person having the control thereof for carrying such property, shall be forfeited to Government :

Provided that if the court is of opinion that it is not necessary to direct forfeiture in respect of the whole or, as the case may be, any part of the property, it may, for reasons to be recorded, refrain from doing so.

10. Any person who attempts to contravene, or abets a contravention of, any order made or deemed to be made

**Attempts and abetment.**



under section 4, shall be deemed to have contravened that order.

11. If any person -

False  
statements.

- (i) when required by any order made or deemed to be made under section 4 to make any statement or furnish any information, makes any statement or furnishes any information which is false in any material particular, and which he knows or has reasonable cause to believe to be false, or does not believe to be true, or
- (ii) makes any such statement as aforesaid in any book, account, record, declaration, return or other document which he is required by any such order to maintain or furnish,

he shall, on conviction, be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

12. (1) If the person contravening an order made or deemed to be made under section 4 is a company, every person who at the time the contravention was committed, was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly :

Offences by  
companies.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention.

- (2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary, or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.*- For the purposes of this section,

- (a) "company" means any body corporate and includes firm or other association of individuals; and
- (b) "director" in relation to a firm means a partner in the firm.

Cognisance of  
offences and  
composition  
thereof.

13. (1) No Court shall take cognisance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made by the person aggrieved by such offence or by a person who is a public servant as defined in section 21 of the Indian Penal Code.

XLV of  
1860.

- (2) The public servant aforesaid may, either before or after the institution of any proceedings for any offence punishable under this Act, accept from any person charged with such offence by way of composition of the offence a sum of money not exceeding one thousand rupees, and direct the release of any

property which has been seized as liable to forfeiture under this Act on payment of the value thereof as estimated by him.

(3) On payment by such person of such sum of money, or such value or both, as the case may be, such person if in custody shall be set at liberty and if any proceedings have been instituted against such person in any criminal court, the composition shall be deemed to amount to an acquittal and in no case shall any further proceedings be taken against such person or property in respect of the same offence.

Special  
provision  
regarding fine.

14. Notwithstanding anything contained in section 29 of the Code of Criminal Procedure, 1973, it shall be lawful for any Magistrate of the first class specially empowered by the State Government in this behalf to pass a sentence of fine exceeding the pecuniary limit specified in that section as in force in any part of the State on any person convicted of contravening any order made or deemed to be made under section 4.

2 of 1974.

Presumption as  
to order.

15. Where an order purports to have been made and signed by an authority in exercise of any power conferred by or under this Act, a court shall presume that such order was so made by that authority within the meaning of the Evidence Act, 1872.

1 of 1872.

Burden of  
proofs in  
certain cases.

16. Where a person is prosecuted for contravening any order made or deemed to be made under section 4 which prohibits him from doing any act or being in possession of a thing without lawful authority or without a permit, licence or other document, the burden of proving that he has such authority, permit, licence or other document shall be on him.

Power to try  
offence  
summarily.

17. Any Magistrate or Bench of Magistrates empowered for the time being to try in a summary way the offences specified in sub-section (1) of section 260 of the Code of Criminal Procedure, 1973, may, on application in this behalf being made by the prosecution, try in accordance with the provisions contained in sections 262 to 265 of the said Code any offence punishable under this Act.

2 of 1974.

Protection of  
action taken in  
good faith.

18. (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of any order made or deemed to be made under section 4.

(2) No suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any order made or deemed to be made under section 4.

19. The State Government may, by notification in the *Official Gazette*, and subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

Power to make  
rules.

LXII of  
958.

20. (1) The Bombay Essential Commodities and Cattle (Control) Act, 1958 is hereby repealed.

Repeal and  
savings.

(2) Notwithstanding such repeal of the said Act, anything done or any action taken (including any rule or order made, notification issued or appointment made) by or under the said Act shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been made or taken by or under this Act and shall continue in force until superceded by anything done or any action taken under the provisions of this Act.

X of 1955.

21. Nothing in this Act shall apply to any commodity or class of commodities which is an essential commodity, or which is declared to be an essential commodity, under the Essential Commodities Act, 1955, and if any commodity included in Part I of the Schedule is declared to be an essential commodity under that Act, then on such declaration, this Act shall cease to apply thereto except as respects things done or omitted to be done before such declaration.

Act not to  
apply to  
essential  
commodity  
dealt with by  
Act X of 1955.

## ***SCHEDULE***

### **PART I**

#### **ESSENTIAL COMMODITIES**

1. Bricks used for building purposes.

### **PART II**

#### ***CATTLE***

- |             |              |
|-------------|--------------|
| 1. Bulls    | 5. Calves    |
| 2. Bullocks | 6. Buffaloes |
| 3. Cows     | 7. Goats     |
| 4. Heifers  | 8. Sheep     |



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**The Gujarat Government Gazette**  
**EXTRAORDINARY**  
**PUBLISHED BY AUTHORITY**

Vol : XLVI]

THURSDAY, FEBRUARY 17, 2005 / MAGHA 28, 1926

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**PART - V**

**Bills introduced in the Gujarat Legislative Assembly.**

(To be translated in to Gujarati and the translation to be published in the Gujarat Government Gazette. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127-A of the Gujarat Legislative Assembly Rules:-

**THE CENTRE FOR ENVIRONMENTAL PLANNING AND  
TECHNOLOGY UNIVERSITY BILL, 2005.**

**GUJARAT BILL NO. 10 OF 2005.**

**A BILL**

*to establish and incorporate a teaching non-affiliating University for imparting education in the related fields of the, architecture, design, art, environmental planning and technology in the State of Gujarat, to be known as the Centre for Environmental Planning and Technology University, Ahmedabad and for the matters connected therewith and incidental thereto.*

WHEREAS there exist the Centre for Environmental Planning and Technology Trust and the Centre for Environmental Planning and Technology Society;

AND WHEREAS the said Trust runs four institutions viz. School of Architecture, School of Planning, School of Building Science and Technology and School of Interior Design;



AND WHEREAS the said institutions run by the Centre for Environmental Planning and Technology Trust have been affiliated to the Hemachandracharya North Gujarat University;

AND WHEREAS in the interest of the education it is considered necessary to establish and constitute a teaching University in the related fields of the architecture, design, Environmental Planning and Technology;

It is hereby enacted in the Fifty- sixth Year of the Republic of India as follows:-

## CHAPTER I PRELIMINARY

Short title,  
extent and  
commencement.

1. (1) This Act may be called the Centre for Environmental Planning and Technology University Act, 2005.

(2) It extends to the whole of the State of Gujarat.

(3) This section shall come into force at once and the remaining provisions shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint; and different dates may be appointed for different provisions and any reference in any provision to the date of commencement of this Act shall be construed as the reference to the date of coming into force of that provision.

Definitions.

2. In this Act, unless the context otherwise requires,-

(a) "Academic and Research Council" means the Academic and Research Council constituted under section 20;

(b) "appointed date" means the date on which the Act shall come into force;

(c) "Board" means the Board of Management of the University constituted under section 16;

(d) "Chairman" means the Chairman of the University;

(e) "Dean" means the Dean of the Faculty appointed under section 12;

(f) "Director" means the Director of the University appointed under section 10;

(g) "Executive Council" means the Executive Council constituted under section 19;

- (h) "Finance and Development Committee" means Finance and Development Committee constituted under section 21;
- (i) "Governing Body" means the Governing Body of the University constituted under section 14;
- (j) "Institutions" means School of Architecture, School of Planning, School of Building Science and Technology and School of Interior Design;
- (j) "prescribed" means prescribed by the regulations;
- (k) "President" means the President appointed under section 9;
- (l) "Registrar" means Registrar of the University appointed under section 11;
- (m) "Regulations" means the regulations of the University made under section 36;
- (n) "CEPT Society" means the Centre for Environmental Planning and Technology Society, Ahmedabad, registered under the Societies Registration Act, 1860;
- (o) "CEPT Trust" means the Centre for Environmental Planning and Technology Trust, Ahmedabad registered under the Bombay Public Trusts Act, 1950;
- (p) "University" means the Centre for Environmental Planning and Technology University established and incorporated under section 3.

XXI of 1860.

Bom. 29 of 1950.

## CHAPTER II

### THE UNIVERSITY

3. (1) (a) There shall be established and constituted in and for the State of Gujarat a University to be known as "the Centre for Environmental Planning and Technology University, Ahmedabad."

Establishment  
and  
incorporation  
of University.

(b) The first Chairman, the first President, the first Director, the first Deans, the first Registrar of the University and the first Members of the Board, the Executive Council, the Academic and Research Council, the Finance and Development Committee and all other persons who may hereafter become such officers or members, so long as they continue to hold such office or membership are hereby constituted a body corporate by the name of the Centre for Environmental Planning and Technology University (hereinafter in this Act referred to as "the CEPT University").

(2) The University shall have perpetual succession and a common seal, and shall sue and be sued by the said name.

(3) The University shall be competent to acquire and hold property, both movable and immovable, to lease, sell or otherwise transfer any movable or immovable property which may vest in or be acquired it for the

purposes of the University, to raise loans on the securities of its assets and to contract and do all other things necessary for the purposes of this Act :

Provided that the power to raise any such loan shall be exercised after obtaining previous permission of the State Government.

(4) The headquarters of the University shall be at Ahmedabad, Gujarat .

**Objects of  
University.**

4. The objects of the University, in general, shall be to conduct educational, training, distance and continuing education programmes at diploma and degree levels and at post-graduate levels including doctoral level and carry on research and consultancy in the areas of developed and natural environment for the human society and related disciplines including arts, science and culture and in particular, shall be,-

- (i) to establish a Centre of Excellence in its areas of relevance and attract the best talents at national and international level;
- (ii) to undertake educational, research and development activities and to become a Resource Centre in the service of the society and the profession by developing data- bases and reference in design, planning, technology, services and management and develop curricula, syllabi and all related facilities for the conduct of the same, and for its recognition and approval from National and International Accreditation Boards or Agencies for the purposes of employment or further education;
- (iii) to establish close linkage with profession and industry at the national and international level and to make teaching, training, and research at the University relevant to the needs of the society;
- (iv) to impart the students holistic value based education and concerns about societal issues in its areas of relevance and equip them to deal successfully with a variety of challenges and opportunities;
- (v) to develop physical facilities and services in terms of buildings, equipments, materials and support systems for effective teaching of courses and programmes, and for conduct of research and all other related activities;
- (vi) to raise financial resources by contributions, donations, grants or loans from Government agencies, industries and private individuals, for the effective functioning of the educational, research, publications and related functions of the University;
- (vii) to establish campuses to pursue the objects of the University within or without the country;

- (viii) to conduct distance education through various media including electronic media and virtual class- rooms;
- (ix) to undertake publication activities to document and disseminate course material, research findings and other related matters pertaining to the developed and natural environment;
- (x) to develop collaborative programmes with the like-minded institutions within and without the country having similar interests in the fields of research, course development, sharing of faculties, exchange of faculties and students and such other fields.

5. (1) No person shall be excluded from any office of the University or from membership of any of its authorities or from admission to any degree, diploma or other academic distinction or course of study on the ground of sex, race, creed, caste, class, place of birth, religious belief, profession or political or other opinion.

University  
open to  
all  
irrespective  
of sex,  
religion,  
class, creed  
or opinion.

(2) It shall not be lawful for the University to impose on any person any test whatsoever relating to sex, race, creed, caste, class, place of birth, religious belief or profession or political or other opinion in order to entitle him to be admitted as a teacher or a student or to hold any office or post in the University or to qualify for any degree, diploma or other academic distinction or to enjoy or exercise any privileges of the University or any benefaction thereof.

6. (1) Subject to the provisions of this Act, the University shall exercise the following powers and perform the following duties, namely :-

Powers and  
functions  
of  
University.

- (i) to administer and manage the University and such campuses, within or without the country for research, education, training and instruction as are necessary for the furtherance of the objects of the University;
- (ii) to conduct and to prescribe course and curricula and provide for flexibility in the education system and delivery methodologies including electronic and distance learning;
- (iii) to confer degrees, diplomas or grant certificates and other academic distinctions or titles on persons as the University may determine, and to withdraw or cancel any such degree, diploma, certificate or other academic distinction or title in the manner prescribed by the regulations;
- (iv) to confer honorary degrees or other distinctions in the manner prescribed by the regulations;



- (v) to establish specialised study centres or other units for research and instruction as are, in the opinion of the University, necessary for the furtherance of its objects;
- (vi) to collaborate or associate with, advise and to develop and maintain linkages with educational or other institutions in any part of the world having objects wholly or partially similar to those of the University, through exchange of teachers and scholars and generally in such manner as may be conducive to their common objects;
- (vii) to fix, demand and receive or recover fees and such other charges in accordance with guidelines issued by the State Government, the University Grants Commission and the All India Council for Technical Education;
- (viii) to prescribe qualifications for the admission to the courses offered by the University and admit the students as per the guidelines issued by the State Government in this regard for the courses offered by the University, in such manner as may be prescribed by the regulations;
- (ix) to create academic, technical, administrative, ministerial and other posts and to make appointments thereto;
- (x) to supervise and control the residence and regulate the discipline amongst the students of the University and to make arrangements for promoting their health, general welfare and cultural activities;
- (xi) to appoint persons as professors, associate professors, assistant professors, readers, lecturers or otherwise as teachers and researchers of the University;
- (xii) to regulate and enforce discipline amongst the employees of the University and to provide for such disciplinary measures as may be prescribed by the regulations;
- (xiii) to receive funds from industry, national and international organisations and from any other source as gifts, donations, benefactions, bequests and by transfers of movable and immovable properties under the intimation of the State Government;
- (xiv) to purchase or to take on lease or accept as gifts or otherwise any land or building or works which may be necessary or convenient for the purposes of the University on such terms and conditions as it may think fit and proper, and to construct or alter and maintain any such building or works;

- (xvi) to sell, exchange, lease or otherwise dispose of movable or immovable property of the University, on such terms as it may think fit and proper without prejudice to the interests and activities of the University:

Provided that the University shall not sell, exchange, lease or otherwise dispose of movable or immovable property granted by the State Government without prior approval of the State Government or without compliance of the terms and conditions on which the State Government has given approval;

- (xvii) to raise and borrow money on bond, mortgages, promissory notes or other obligations or securities founded or based upon all or any of the properties and assets of the University or without any securities upon such terms and conditions as it may think fit and to pay out of the funds of the University all expenses incidental to the raising of money, and to repay and redeem money borrowed :

Provided that the such power shall be exercised after obtaining previous approval of the State Government and as per the directions, if any, of the Central Government in this regard;

- (xviii) to invest the funds of the University in or upon such securities and transpose any investment from time to time in such manner as may be prescribed by the regulations;
- (xix) to delegate all or any of its powers to the President or the Director or any committee or sub-committee constituted by any authority of the University or to any one or more members of the Board of the University or to any officer of the University; and
- (xx) to do all such other acts and things as the University may consider necessary, conducive or incidental to the attainment or enlargement of all or any of the objects of the University.

- (2) The University shall function as a non-affiliating University established under this Act.

### CHAPTER III

#### OFFICERS OF UNIVERSITY.

7. The following shall be the officers of the University, namely;-

Officers of  
University.

- (a) the Chairman,
- (b) the President,
- (c) the Director,
- (d) the Deans,
- (e) the Registrar, and
- (f) such other officers in the service of the University, as may be declared by the regulations, to be the officers of the University.

Chairman  
of  
University.

8. (1) The Chairman of the Board of Trustees of the CEPT Trust shall be the Chairman of the University.

(2) The Chairman shall, by virtue of his office, be the head of the University and shall, when present, preside over at the meetings of the Board and at any convocation of the University and in his absence, the President shall preside at such meetings of the Board and convocation.

(3) The Chairman shall have, subject to the provisions of this Act, power to cause an inspection or review, to be made by such person or persons as he may direct, of the University, its buildings, libraries, equipments and systems and processes and of any institution or center or campuses maintained by the University and also of the examinations, teaching, research and other work conducted or done by the University and cause an inquiry to be made in the like manner in respect of any matter connected with the administration and finance of the University.

(4) The Chairman shall exercise such other powers and perform such other duties as may be assigned to him by this Act or under the regulations.

President.

9. (1) The President shall be a person of eminence having distinguished himself in the areas of design, planning, environment and technology. He shall be a person of vision and subscribe to the objectives and philosophy of the University and shall be interested in academics.

(2) The President shall be appointed by the Chairman :

Provided that until the first President is appointed by the Chairman, the first Director shall be the President of the University.

(3) The President shall hold office for a term of five years and shall be eligible for re-appointment to that office for a further term of five years.

(4) The Chairman shall appoint a Committee consisting of three members, out of which -

- (i) one shall be the Chairman of the CEPT Trust;
- (ii) one shall be the expert from academics in the field of environmental planning and technology ; and
- (iii) one shall be the expert from the profession or industry in the field of environment and technology;

who shall prepare a panel of three suitable persons suitably ranked for the office of the President. The Chairman shall select one person from the panel and appoint him as the President of the University. The Chairman shall have the authority to ask the panel for additional names, if it does not find any one from the panel of names submitted as suitable for the office of the President.

(5) The President shall be the Chairman of,-

- (i) the Executive Council;
- (ii) the Finance and Development Committee.

(6) The President shall preside over the convocation of the University in the absence of the Chairman.

(7) The President shall appoint the Deans of various Faculties of the University in consultation with the Director.

(8) The President shall carry out such other functions as may be assigned to him by the Chairman or the Board.

10. (1) The Director shall be appointed by the Board from amongst the Deans by rotation. **Director.**

(2) The term of office of the Director shall be for a period of five years.

(3) The Director of the CEPT Trust shall be the first Director of the University.

(4) The emoluments and other terms and conditions of service of the Director shall be such as may be prescribed by the regulations :

Provided that the Chairman shall determine the terms and conditions of service of the Director until it is prescribed by the regulations.

(5) The Director shall, -

- (i) exercise general supervision of the management and control the affairs of the University;
- (ii) ensure implementation of the decisions of the authorities of the University;
- (iii) be the Chairman of the Academic and Research Council;
- (iv) be responsible for imparting of instructions and maintenance of discipline in the University; and
- (v) exercise such other powers and perform such other duties as may be assigned to him under this Act or the regulations or as may be delegated to him by the Board or the President, as the case may be.

11. (1) The Registrar shall be appointed by the President, in such manner and on such terms and conditions as may be prescribed by the regulations, and shall be the whole time officer of the University.

**Registrar  
and his  
powers  
and  
duties.**



(2) The Registrar shall exercise the following powers and perform the following duties, namely:-

- (i) he shall be responsible for the custody of records, common seal, the funds of the University and such other property of the University;
- (ii) he shall place before the Board and other authorities all such information as may be necessary for transaction of their business;
- (iii) he shall be responsible to the Governing Body, the Board, the President and the Director for the proper discharge of his functions;
- (iv) he shall, subject to the superintendence of the Director, be responsible for the administration and services of the University and make all other arrangements necessary for conducting the examinations and be responsible for the execution of all processes connected therewith;
- (v) he shall attest and execute all the documents on behalf of the University; and
- (vi) he shall exercise such other powers and perform such other duties as may be assigned to him under this Act, the regulations or as may be delegated to him by the Board or the Director.

**Deans.** 12. (1) The Deans shall be appointed by the President in consultation with the Director, from amongst the Faculties of the University.

(2) The term of office of the Dean shall be for a period of three years.

(3) The Deans shall assist the Director in managing the academic and other affairs of the University and shall exercise such powers and discharge such duties as may be prescribed by the regulations or as may be entrusted by the Director.

#### CHAPTER IV

#### AUTHORITIES OF UNIVERSITY.

**Authorities  
of  
University.**

13. The following shall be the authorities of the University, namely :-
- (a) the Governing Body,
  - (b) the Board,
  - (c) the Executive Council,
  - (d) the Academic and Research Council,
  - (e) the Finance and Development Committee, and
  - (f) such other authority, as may be declared by the regulations, to be the authority of the University.

14. (1) The Governing Body shall consist of those members who are from time to time the trustees of the CEPT Trust. **Governing Body.**
- (2) The Registrar shall be the non-member Secretary of the Governing Body.
15. (1) Subject to the provisions of this Act, the Governing Body shall be responsible for framing the broad policy in relation to matters of the University. **Powers and functions of Governing Body.**
- (2) The Governing Body shall have the power to obtain from the Board of Management the annual accounts, audited report and the annual report of the University.
- (3) Where the Governing Body desires any information or explanation or any other thing in relation to the affairs of the University, it shall be lawful for it to require information, explanation or any other thing from the concerned authority of the University and may give directions to authorities of the University as it thinks fit.
16. (1) The Board of Management of the University shall consist of the following members, namely;- **Constitution of Board of Management of University.**
- (i) the Chairman of the Governing Body;
  - (ii) the President;
  - (iii) the Director;
  - (iv) one expert academicians to be nominated by the Chairman in consultation with the President;
  - (v) one representative of the profession or industries to be nominated by the Chairman in consultation with the President;
  - (vi) one eminent personality from the fields of art, literature, humanity and science to be nominated by the Chairman in consultation with the President;
  - (vii) one Dean of the University by rotation to be nominated by the President in consultation with the Director;
  - (viii) one person to be nominated by the University Grants Commission;
  - (ix) one person to be nominated by the All India Council of Technical Education (AICTE);
  - (x) the Secretary to Government, Higher and Technical Education, Government of Gujarat;
  - (xi) the Secretary to Government, Urban Development and Urban Housing Department, Government of Gujarat;
  - (xii) the Director of Technical Education, Gujarat State.
- (2) The Chairman of the Governing Body shall be the Chairman of the Board.
- (3) The Registrar shall be the non-Member Secretary of the Board.

**Powers and  
functions of  
Board of  
Management.**

17. (1) Subject to the provisions of this Act, the Board shall be responsible for the general superintendence, direction and control of the affairs of the University and shall exercise the powers of the University, and may delegate such power to the Executive Council and the President for more efficient management of the University.

(2) The Board shall have powers to review the acts of the Executive Council, Academic and Research Council and the Finance and Development Committee and other authorities.

(3) Without prejudice to the provisions of sub-sections (1) and (2), the Board shall have the following powers, namely:-

- (i) to take decisions on question of policy relating to the administration and working of the University;
- (ii) to institute courses of study at the University;
- (iii) to make regulations;
- (iv) to constitute Executive Council and Academic and Research Council;
- (v) to constitute Finance and Development Committee;
- (vi) to consider and approve the annual report and the annual accounts of the University;
- (vii) to invest monies and funds of the University and take decisions on the recommendations of the Finance and Development Committee;
- (viii) to create or abolish posts of teachers, officers and other employees of the University;
- (ix) to appoint such committees as it considers necessary for the exercise of its powers and the performance of its duties under this Act;
- (x) to appoint members of the Committees subject to the regulations made under this Act;
- (xi) to delegate any of its powers to the Executive Council, President, Director, Deans, Registrar, or any other officer or authority of the University or to a committee appointed by it; and
- (xii) to exercise such other powers and perform such other duties as may be conferred or imposed upon it by this Act or under the regulations for achieving the objects of the University.

**Term of  
office and  
vacancies  
amongst  
members of  
Board.**

18. (1) The term of office of the nominated member of the Board shall be for a period of three years.

(2) An *ex-officio* member shall continue so long as he holds the office by virtue of which he is such member.

(3) When a person becomes a member of the Board by virtue of his office he shall cease to be such member, if he ceases to hold that office.



(4) When a person is nominated as a member of the Board, he shall cease to be such member if his nomination as such is withdrawn by the nominating body or person, as the case may be.

(5) A member of the Board shall cease to be a member, if he, -

- (a) tenders his resignation and such resignation is accepted; or
- (b) becomes of unsound mind and stands so declared by a competent court; or
- (c) becomes undischarged insolvent; or
- (d) has been convicted of an offence involving moral turpitude.

(6) A member of the Board may, by writing addressed to the Chairman, resign his office and such resignation shall take effect on the date it is accepted by the Chairman.

(7) Any vacancy in the Board shall be filled in by nomination of a person by the relevant authority and the person so nominated shall hold office for so long as the member in whose place he is nominated would have held office had the vacancy not occurred.

(8) The member shall be eligible for re-nomination for a further term of three years.

19. (1) The Executive Council shall consist of the following members, namely :-

**Constitution  
of Executive  
Council, its  
powers and  
duties.**

- (i) the President of the University who shall be the Chairman of the Executive Council;
- (ii) the Director;
- (iii) the Deans.

(2) The Registrar shall be a non-member Secretary of the Executive Council.

(3) Subject to the provision of this Act and the regulations, the Executive Council shall have the following powers and perform the following duties, namely :-

- (i) to administer and manage the University including various center, campus and cell of the University;
- (ii) to finalise and implement academic calendar to include examination schedules, holidays, vacations and such other matters;
- (iii) to regulate expenditure, management of finance including grants and such other matters;
- (iv) to create and maintain infrastructure facilities and amenities of the University;



- (v) to award fellowships, scholarships, prizes, medals and such other awards;
- (vi) to ensure discipline and make provisions for welfare of students, officers and employees, overall security measures, student activities, campus development, campus maintenance and allied matters;
- (vii) to plan, encourage and monitor execution of research projects, consultancy activities, conduct of seminars, training programmes and workshops;
- (viii) any other powers delegated by the Board.

(4) The term of the office of the members of the Executive Council shall be for a period of three years.

**Constitution  
of Academic  
and  
Research  
Council, its  
powers and  
duties.**

20. (1) The Academic and Research Council of the University shall consist of the following members, namely :-

- (i) the Director of the University, who shall be the Chairman;
- (ii) the Deans;
- (iii) the Heads of Departments of all post-graduate programmes;
- (iv) one expert academician from each discipline of the University to be nominated by the Board;
- (v) one expert professional from each discipline to be nominated by the Executive Council.

(2) The Registrar shall be the non-member Secretary of the Council.

(3) The term of office of the members other than the *ex-officio* members shall be for a period of three years.

(4) The Academic and Research Council of the University shall have the following powers and perform the following duties, namely :-

- (i) to develop perspective plan for academic development of the University;
- (ii) to develop academic and research policies of the University and to exercise control and have superintendence over the maintenance and improvement of standards of instructions, education and evaluation;
- (iii) to approve new programmes and to approve changes or modifications in existing programmes;
- (iv) to receive reports of the Boards of Studies and make suitable recommendations in academic matters of programmes;
- (v) to recommend to the Boards of Studies, the Deans and the persons in charge of various academic programmes to make suitable changes in the programmes including methods of assessment;

- (vi) to initiate or approve research programmes including collaborative research;
- (vii) to initiate or approve collaboration with other educational institutions;
- (viii) to encourage and develop joint inter-disciplinary programmes;
- (ix) to exercise such other powers and perform such other duties as may be conferred upon it by the regulations.

21. (1) The Finance and Development Committee shall consist of the following members, namely :-

**Constitution  
of Finance  
and  
Development  
Committee, its  
powers and  
duties.**

- (i) the President shall be the Chairman of the Committee;
- (ii) the Director;
- (iii) the Deans;
- (iv) one member of the Board to be nominated by the Chairman in consultation with the President;
- (v) one expert to be nominated by the Chairman in consultation with the President;

(2) The Registrar shall be the non-member Secretary of the Committee.

(3) The term of office of the members other than the *ex-officio* member shall be for a period of three years.

(4) The Finance and Development Committee shall exercise the following powers and perform the following duties, namely:-

- (i) to examine the annual accounts and annual budget estimates of the University and advise the Board thereon;
- (ii) to review the financial position of the University from time to time;
- (iii) to make recommendation to the Board on financial policy matters of the University;
- (iv) to make recommendations to the Board on proposals involving raising of funds, receipts and expenditure;
- (v) to lay-down guidelines for investment of surplus funds;
- (vi) to make recommendations to the Board on all proposals involving expenditure for which no provision has been made in the budget or for which expenditure in excess of the amount provided in the budget has been incurred;
- (vii) to examine all proposals relating to revision of pay-scales, up-gradation of the scale and those items which are not included in the budget, before they are placed before the Board;
- (viii) to exercise such other powers and perform such other duties as may be conferred or imposed upon it by the regulations;
- (ix) to consider and approve plans of development of the University;



## CHAPTER V FINANCE

**Funds of  
University.**

22. (1) The University shall establish a fund to be called the University Fund.

(2) The following shall form part of, or be paid into, the University Fund :-

- (i) all moneys received from the CEPT Trust;
- (ii) income of the University from all sources including income from fees and charges;
- (iii) all contributions or grants received from the State Government, the Central Government, the All India Council of Technical Education, University Grants Commission or any other agency;
- (iv) loans, gifts, donations, endowments, benefactions, bequests or transfers;
- (v) all monies received by the University from the collaborating industry in terms of the provisions of the Memorandum of Understanding between the University and the industry for establishment of sponsored chairs, fellowships and infrastructure facilities of the University; and
- (vi) all monies received by the University in any other manner or from any other source;
- (vii) any sum borrowed from the banks with the permission of the State Government.

(3) All funds of the University shall be deposited in such banks or invested in such manner as the Board may decide on recommendation of the Finance and Development Committee.

(4) The funds of the University shall be applied towards the expenses of the University including expenses incurred in the exercise of its powers and discharge of its functions in such manner, as may be prescribed by the regulations.

**Permanent  
Endowment  
Fund.**

23. The University shall place funds at the disposal of the University to be called the Permanent Endowment Fund of a sum of rupees one crores or a sum required for meeting the full operational expenditure of the University for three years, in long term interest bearing securities issued or guaranteed by the Central Government or the State Government.

## CHAPTER VI ACCOUNTS, AUDIT AND ANNUAL REPORT

24. (1) The University shall maintain proper accounts and other relevant records, and prepare an annual statement of accounts, including the income and expenditure of account and the balance sheet, in such form and in such manner as may be prescribed by the regulations.

Accounts  
and audit.

XXVII of  
1949.

(2) The accounts of the University shall be audited every year and in any case within six months from the date of closing of the financial year by the auditor who shall be a Chartered Accountant as defined in the Chartered Accountant Act, 1949 or a firm of Chartered Accountants appointed by the Board.

(3) The accounts of the University certified by the auditor or the firm so appointed or any other person authorised in this behalf together with the audit report thereon shall be placed before the Board and the Board may issue such instructions to such authority of the University in respect thereof as it deems fit and the authority shall comply with such instructions.

(4) The University shall adopt a proper system of internal checks and balances and control in respect of finance, accounts and audit as may be prescribed by the regulations.

(5) The accounts of the University shall be audited by an internal auditor who shall be appointed by the Board to ensure concurrent audit of all books of accounts, and such periodic internal audit reports shall be placed before the Board for its consideration.

(6) The accounts relating to grant-in-aid instituting together with the audit report shall be placed before the Board and shall also be submitted to the State Government.

(7) The State Government may conduct the test audit or full audit of the accounts of the University by the auditors appointed by the State Government, when it requires so to do.

25. (1) The University shall prepare each year the annual report for the financial year containing such particulars as the Board may specify and shall be submitted to the Board on or before such date as may be prescribed by the regulations. The Board shall consider such report and may pass resolutions thereon and the Executive Council shall take such action in accordance with the resolution. The action taken by the Executive Council and if no action is taken, the reasons for taking no action shall be communicated to the Board at its meeting.

Annual  
report.

(2) The copy of the annual report alongwith the resolution of the Board thereon shall be submitted to the State Government.



## CHAPTER VII SUPPLEMENTARY PROVISIONS

Dismissal,  
removal,  
reduction and  
termination  
of service of  
staff of  
University.

26. (1) No member of the teaching, other academic and non-teaching staff of the University shall be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.

(2) An appeal from an order of dismissal, removal or reduction under sub-section (1) or of termination shall lie to the President within ninety days from the date of the communication of such order and the decision of the President in such appeal shall be final.

Returns  
and  
infor-  
mation.

27. The University shall furnish to the State Government, the University Grants Commission and other statutory authorities such reports, returns, statements and other information as may be required by them from time to time.

Power of  
State  
Government  
to issue  
directions.

28. (1) The State Government shall have power to issue directions to the University, from time to time, as may be required for compliance of the provisions of this Act and the regulations.

(2) Without prejudice to the provisions of sub-section (1), the State Government may issue directions, when it requires, in regard to the following matters, namely :-

- (i) fees and charges;
- (ii) raising of funds and borrowing money;
- (iii) creation of posts and appointments;
- (iv) revision of pay-scales and up-gradation of scales.

Acts and  
proceedings  
not to be  
invalidated  
by vacancies

29. No act or proceeding of the Board or any authority of the University or any committee constituted under this Act or by the regulations shall be invalidated merely by reason of, -

- (i) any vacancy in its membership or any defect in the constitution thereof, or
- (ii) any irregularities in its procedure not affecting merits of the case.

Protection  
of action  
taken in  
good faith.

30. No suit or other legal proceedings shall be instituted against or no damages or compensation shall be claimed from, the University, the Director, the authorities or officers of the University or any other person in respect of anything which is done in good faith or purporting to be done in pursuance of this Act or regulations made thereunder.

45 of 1860. 31. Every officer, teacher and other employees of the University shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Officers and employees to be public servants.

*Explanation.-* For the purposes of this section, any person, who is appointed by the University for a specified period or for a specified work of the University or, who receives any remuneration by way of compensatory allowance or fee for any work done from the University Fund, shall be deemed to an officer or employee of the University while he is performing and in relation to all matters relatable to the performance of the duties and functions connected with such appointment of work.

22 of 1986.

32. Notwithstanding anything contained in section 41 of the Hemachandracharya North Gujarat University Act, 1986, the rights conferred on the institution to the Hemachandracharya North Gujarat University as a College are hereby withdrawn as if it were an order of the State Government under sub-section (4) of the said section 41.

Affiliation.

33. Any student of such institutions who immediately before the date of commencement of this Act studying or was eligible for any examination of the Hemachandracharya North Gujarat University shall be transferred to the University and permitted to complete his course in preparation of such examination and the University shall provide for such period and in such manner as may be prescribed by the regulations for the instructions, teaching, training and examinations of such students in accordance with the courses of study of the Hemachandracharya North Gujarat University.

Transfer and completion of courses of students of institutions of CEPT.

34. If any difficulty arising in giving the effect to the provisions of this Act, the State Government may, by order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty :

Removal of difficulties at the commencement.

Provided that no such order shall be made after the expiry of the period of three years from the commencement of this Act.

35. Save as otherwise provided in this Act, when any vacancy occurs in the office of a member (other than an *ex-officio* member) of any authority or other body of the University before the expiry of the term of office of such member, the vacancy shall be filled up, as soon conveniently as may be, by nomination, appointment or, as the case may be, co-option of a member who shall hold office so long only as the member in whose place he has been nominated, appointed or co-opted, would have held it, if the vacancy had not occurred.

Filling up of casual vacancies.

## CHAPTER VIII REGULATIONS OF UNIVERSITY

36. (1) Subject to the provisions of this Act, the Board shall have power to make regulations consistent with the provisions of this Act to provide for the administration and management of the affairs of the University.

Regulations.



(2) In particular and without prejudice to the generality of the foregoing powers, such regulations may provide for all or any of the following matters, namely :-

- (i) the powers and functions to be exercised and discharged by the Chairman of the Board and the President;
- (ii) the constitution, powers and duties of the authorities, bodies and other committees of the University established under this Act, the qualifications and disqualifications for membership of such authorities, bodies and other committees, term of office of the membership thereof and other matters connected therewith;
- (iii) the degrees, diplomas, certificates and other academic distinctions and titles which may be conferred or granted by the University and withdrawal or cancellation of any such degrees, diplomas, certificates and other academic distinctions and titles and the requirements thereof;
- (iv) the academic programmes, collaboration with universities and collaborative programmes, , setting up centres and campuses within and without the country, distance education, research, consultancy, training and continuing education;
- (v) the creation of posts of Professors, Associate Professors, Assistant Professors, Readers, Lecturers, Researchers or equivalent academic designations or posts, officers and employees of the University, and the appointment of persons to such posts including the qualifications requisite therefore;
- (vi) the fees and other charges which may be paid to the University for the courses, training, facilities and services provided by it;
- (vii) the preparation of budget estimates and maintenance of accounts;
- (viii) the terms and conditions of appointments, salaries and allowances, contractual services, rules of discipline and other conditions of the service of the President, the Director and other officers, teachers and employees of the University;
- (ix) the powers and duties of the President, the Director and other officers, teachers and employees of the University;
- (x) the matters relating to discipline of students, hostels and halls of residence including control thereof;
- (xi) constitution of pension and provident fund;
- (xii) all other matters which is to be or may be prescribed by this Act and the regulations.

(3) All regulations made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made and shall be subject to the rescission by the State Legislature or to such

modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

- (4) Any rescission or modification so made by the State Legislature shall be published in *Official Gazette*, and shall thereupon take effect.

## CHAPTER IX TRANSITORY PROVISIONS

37. Notwithstanding anything contained in section 9, a person who holds the post of Director of the Centre for Environmental Planning and Technology Trust immediately before the appointed date shall be the first President. Appoint-  
ment of  
first  
Presiden
38. Notwithstanding anything contained in section 10, the first Director shall be appointed by the President. Appointme-  
nt of first  
Director.
39. Notwithstanding anything contained in section 14 of this Act,- Transitory  
provisions for  
first Board of  
Management,  
first Executive  
Council, first  
Academic and  
Research  
Council, first  
Finance and  
Development  
Committee, and  
first Registrar.
- (i) the Governing Council of the Centre for Environmental Planning and Technology Trust functioning immediately before the date of the commencement of this Act, shall be deemed to be the first Board of Management of the University and shall function as Board until such Board is constituted under this Act;
  - (ii) the Executive Council of the Centre for Environmental Planning and Technology Trust functioning immediately before the appointed date, shall be deemed to be the first Executive Council of the University and shall function as Executive Council until such Council is constituted under this Act;
  - (iii) the Academic and Research Council of the Centre for Environmental Planning and Technology Trust functioning immediately before the appointed date, shall be deemed to be the first Academic and Research Council of the University and shall function as Academic and Research Council until such Council is constituted under this Act;
  - (iv) the Finance and Development Committee of the Centre for Environmental Planning and Technology Trust functioning immediately before the appointed date, shall be deemed to be the first Finance and Development Committee of the University and shall function as Finance and Development Committee until such Committee is constituted under this Act;
  - (v) the Deputy Registrar of the Centre for Environmental Planning and Technology Trust functioning immediately before the date of the commencement of this Act, shall be deemed to be the first Registrar of the University and shall function as the Registrar of the University until the Registrar is appointed under this Act;



- (vi) the existing regulations of the Centre for Environmental Planning and Technology Trust shall, in so far as they are not inconsistent with the provisions of this Act, shall apply till regulations are made under this Act.

Transitory  
provisions for  
officers and  
employees.

40. (1) All officers and employees employed in the existing CEPT Trust immediately before the appointed day shall, subject to the provisions of this Act, be deemed to be the officers and employees of the University and shall exercise such power and perform such duties as are conferred upon it by or under this Act.

(2) They shall receive salaries and allowances and be subject to the same conditions of service to which they were entitled or subject to immediately before the commencement of this Act until any other provisions are made in accordance with this Act :

Provided that the conditions of service applicable immediately before the appointed day to any officer or employee shall not be varied to his disadvantage except with the previous approval of the State Government.

(3) The teachers, officers and employees of the University referred to in sub-section (1) who are covered under the pensions and provident fund scheme of the State Government shall be deemed to be continued to be governed by the said scheme of the State Government.

### STATEMENT OF OBJECTS AND REASONS

It is well accepted from all the corners of the society in respect of academic excellence and contribution of the Centre for Environmental Planning and Technology (hereinafter referred to as the "CEPT") to the needs of society. The CEPT caters for the needs in the inter-disciplinary fields of environmental science, urban development, rural housing, architecture, building science and technology, construction and designs as a prime institution. It has working experience of more than four decades. The activities carried out by the CEPT have crossed frontiers of our country in the form of collaborative programmes with the world-wide agencies i.e. German Technical Co-operation, Germany, University of Oslo, Norway, Institute for Housing and Urban Development Studies, IHS, the Netherlands and other projects of the World Bank for water supply and sanitation programmes, urban affairs, and pollution control. Its holistic value based on education and concerns about societal issues is highly appreciated from the public at national and international levels.

The CEPT provides three-tier of higher and technical education. It runs under-graduate courses in the schools of architecture, school of interior designs and school of building science and technology. The post-graduation courses with specialization in urban and regional planning, environmental planning and housing, urban designs and landscape architecture. Some of the post-graduate Diplomas are conducted on self-finance basis. The under-graduate courses are run with the 100% financial assistance of the State Government, post-graduate programmes with financial aid of All India Council for Technical Education. It has consultancy programmes for the other States such as U.P., Assam, Orissa, Kerala and North East States. It acts as a resource institution and offers expertise in preparation of the project reports, developing policy alternatives, Wetland Bio-diversity conservation, Cluster Development Programmes and Gram Jyot Yojana.

With the enriched experience in the field of academic activities, consultancy, training and services to the society the CEPT has all reasons to get the status of University. The status of the University would facilitate the CEPT to enlarge its areas and particularly in the area of infrastructure, earthquake technology, disaster management and such other alike matters.

The following notes on clauses explain, in brief, the important provisions of the Bill :-

*Chapter I.-* Clauses (1) and (2) of this Chapter provides for short title, extent, commencement and defines certain terms used in the Bill.

*Chapter II.-* Clauses (3) to (6) of this Chapter provides for establishment and incorporation, objects, powers and functions of the University and also provides that University shall open for all for admissions to courses and membership for any authority irrespective of sex, religion, class and creed.

*Chapter III.-* Clauses (7) to (12) of this Chapter provides for the officers of the University such as the Chairman, the President, the Director, the Deans and the Registrar and powers and functions thereof.

*Chapter IV.-* Clauses (13) to (21) of this Chapter provides for the authorities such as the Governing Body, the Board, the Executive Council, the Academic and Research Council and the Finance and Development Committee of the University and powers and functions thereof.

*Chapter V.-* Clauses (22) and (23) of this Chapter provides for establishment of University Fund and Permanent Endowment Fund.

*Chapter VI.-* Clauses (24) and (25) of this Chapter provides for preparation and maintenance of accounts, audit and internal audit of the accounts, internal audit and preparation of annual report of the University.

*Chapter VII.-* This Chapter provides for supplementary provisions as follows :-

- (i) Clause (26) provides for dismissal, removal, reduction and termination of service of staff of the University;
- (ii) Clause (27) provides for returns and information to be supplied as may be required by the State Government, the University Grants Commission and other statutory authorities.
- (iii) Clause (28) provides for powers of the State Government to issue directions to the University as may be required for compliance of the provisions of the Act;
- (iv) Clause (29) provides that no act or proceeding of any authority of the University shall be invalidated by reason of any vacancy in its membership or for any irregularities in its procedure;
- (v) Clause (30) provides for indemnity for action taken in good faith;
- (vi) Clause (31) provides that every officer, teacher and employee of the University shall be a public servant.
- (vii) Clause (32) provides for the withdrawal of affiliation of students of CEPT with the Hemachandracharya North Gujarat University;
- (viii) Clause (33) provides that students of the CEPT institutions registered with the Hemachandracharya North Gujarat University shall stand transferred to the University;
- (ix) Clause (34) provides for removal of difficulties by the State Government in giving effect to the provisions of the Act or the regulations;
- (x) Clause (35) provides for filling up of casual vacancies in the authorities.



*Chapter VIII.-* Clause (36) of this Chapter provides for regulations to be made by the Board consistent with the provisions of the Act for the administration and management of the University and particularly for matters enumerated in clause (2);

*Chapter IX.-* Clause (37) to (40) of this Chapter provides for transitory provisions regarding appointment of the first President, the first Director and for officers and employees of the CEPT Trust.

**ANANDIBEN PATEL**

### **FINANCIAL MEMORANDUM**

Clause 22 of the Bill provides for University Fund. The grants to be received from the State Government forms the part of the University Fund under sub-clause (iii) of this clause. At present, 100 per cent. pay and allowances of the Faculties of the under-graduate courses of the CEPT is provided as 100 per cent. financial assistance by the State Government. For which, currently the CEPT is receiving recurring grants of Rs. 105 lakhs per annum. Except the likely increase of pay and allowances from the existing level, there would not be any burden as an additional expenditure on the State exchequer. The Bill, if enacted and brought into operation, would not involve any additional expenditure from the Consolidated Fund of the State.



**MEMORANDUM REGARDING DELEGATED LEGISLATION**

This Bill involves delegation of legislative powers in the following respects :-

*Clause 1.-* Sub-clause (3) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which provisions of clause (1) shall come into force and also to appoint different dates for different provisions.

*Clause 6.-* (i) Paragraph (iii) of sub-clause (1) of this clause empowers the University to prescribe by regulations, the manner in which the University shall withdraw or cancel any degree, diploma, certificate or other academic distinction;

(ii) paragraph (iv) of sub-clause (1) of this clause empowers the University to prescribe by regulations, for conferment of the honorary degrees or other distinctions;

(iii) paragraph (viii) of sub-clause (1) of this clause empowers the University to prescribe by regulations, the qualifications for admissions to the courses offered by the University;

(iv) paragraph (xii) of sub-clause (1) of this clause empowers the University to prescribe by regulations, for regulation and enforcement of discipline amongst the employees of the University and disciplinary measures.

(v) paragraph (xviii) of sub-clause (1) of this clause empowers the University to prescribe by regulations, the manner in which itself invest the funds of the University and other securities.

*Clause 7.-* Sub-clause (f) of this clause empowers the University to declare by regulations, such other officers of the University.

*Clause 10.-* (i) Sub-clause (4) of this clause empowers the Board to prescribe by regulations, the emoluments and other terms and conditions of service of the Director;

(ii) proviso to sub-clause (4) of this clause empowers the Chairman to determine the terms and conditions of the service of the Director until it is prescribed by the regulations.

*Clause 11.-* Sub-clause (1) of this clause empowers the President to appoint the Registrar in the manner and subject to such terms and conditions as may be prescribed in this behalf by the regulations.

- Clause 12.-* Sub-clause (3) of this clause empowers the University to prescribe by regulations, such other powers to be exercised and such other duties to be performed by the Dean.
- Clause 13.-* Sub-clause (f) of this clause empowers the University to declare by regulations, such other authorities of the University.
- Clause 17.-* (i) Paragraph (iii) of sub-clause (3) of this clause empowers the Board of Management to make regulations for the administration and management of the affairs of the University;
- (ii) paragraph (x) of sub-clause (3) of this clause empowers the Board to make regulations for appointment of members of the Committees;
- (iii) paragraph (xii) of sub-clause (3) of this clause empowers the Board to make regulations, to provide for exercise of such other powers and duties to be performed by it.
- Clause 20.-* Paragraph (ix) of sub-clause (4) of this clause empowers the Academic and Research Council to exercise such other powers and perform such other duties as may be conferred and imposed upon it by the regulations prescribed in this behalf.
- Clause 22.-* Sub-clause (4) of this clause empowers the University to apply the funds towards the expenses in the manner prescribed in this behalf by the regulations.
- Clause 24.-* (i) Sub-clause (1) of this clause empowers the Board to prescribe by regulations for maintenance of proper accounts, other records, preparation of annual statements of accounts and the forms and the manner in which it shall be prepared.
- (ii) sub-clause (4) of this clause empowers the Board to prescribe by regulations for adoption of proper system of internal checks and balances and control with respect to finance, accounts and audit.
- Clause 25.-* Sub-clause (1) of this clause empowers the Board to prescribe by regulations for preparation of annual reports and its particulars thereof.
- Clause 33.-* This clause empowers the University to prescribe by the regulations the manner in which instructions, teaching and examinations of students of CEPT affiliated to the Hemachandracharya North Gujarat University shall be permitted to complete his study.
- Clause 34.-* This clause empowers the State Government to make provisions not inconsistent with the provisions of the Act, within the period of

three years from the commencement of the Act, by order published in the *Official Gazette*, for removal of the difficulties.

*Clause 36.-* This clause empowers the Board to make regulations generally for the administration and management of the affairs of the University and particularly for the matters specified in sub-clause (2) of this clause.

The delegation of legislative powers as aforesaid is necessary and is of a normal character.

Dated the 16th February, 2005.

**ANANDIBEN PATEL.**

By order and in the name of the Governor of Gujarat,

**S. S. PARMAR,**

Gandhinagar,  
Dated the 17th February, 2005. Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.



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# The Gujarat Government Gazette

## EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XLVI] THURSDAY, FEBRUARY 17, 2005/MAGHA 28, 1926

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

### PART V

#### Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

#### THE GUJARAT FISCAL RESPONSIBILITY BILL, 2005.

#### GUJARAT BILL NO. 11 OF 2005.

#### A BILL

*to provide for the responsibility of the State Government to ensure prudence in fiscal management and fiscal stability by progressive elimination of revenue deficit, sustainable debt management consistent with fiscal stability, greater transparency in fiscal operations of the Government and conduct of fiscal policy in a medium term fiscal framework and for matters connected therewith or incidental thereto.*

It is hereby enacted in the Fifty-sixth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Fiscal Responsibility Act, 2005. Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.



**Definitions.**

2. In this Act, unless the context otherwise requires,--

- (a) "budget" means the annual financial statement to be laid before the State Legislature under Clause (1) of article 202 of the Constitution of India;
- (b) "current year" means the year preceding the year for which budget is being presented;
- (c) "fiscal deficit" means the excess of total disbursements from the Consolidated Fund of the State (excluding repayment of debt) over total receipt into the Fund (excluding the debt receipts), during a financial year;
- (d) "fiscal indicators" means the measures such as numerical ceilings and proportions to gross State domestic product, as may be prescribed, for evaluation of the fiscal position of the State Government;
- (e) "prescribed" means prescribed by rules made under this Act;
- (f) "previous year" means the year preceding the current year;
- (g) "revenue deficit" means difference between revenue expenditure and revenue receipts which indicates increase in liability of the State Government without corresponding increase in assets of the Government;
- (h) "State Government" means the State Government of Gujarat;
- (i) "total liabilities" means the liabilities under the Consolidated Fund of the State of Gujarat and the public account of the State;
- (j) "triggers" means intra-year benchmark on deficit.

**Fiscal Policy Statements.**

3. (1) The State Government shall lay, in every financial year, before State Legislature, the Medium Term Fiscal Policy Statement and the Fiscal Policy Strategy Statement alongwith the budget.

(2) The Medium Term Fiscal Policy Statement and the Fiscal Policy Strategy Statement shall set forth the fiscal objectives, strategic priorities of the State Government and a three years rolling target for fiscal management laid down in section 5 with enunciation of underlying assumptions.

(3) In particular, and without prejudice to the provisions contained in sub-section (2), the medium term fiscal policy statement shall include assessment of sustainability relating to,-

- (a) the balance between revenue receipt and the revenue expenditure;
- (b) the use of capital receipts including open market borrowings for generating productive assets; and
- (c) the estimated yearly pension liabilities worked out on actuarial basis, for the next ten years, within such period as the State Government may, by order, specify.

(4) The Fiscal Policy Strategy Statement shall, *inter-alia*, contain -

- (i) The policies of the State Government for the ensuing financial year relating to taxation, expenditure, borrowings (including the borrowings by Public Sector Undertakings and special purpose vehicles and other equivalent instruments where liability for repayment is on the State Government, with ceiling fixed for each agency) and other liabilities, lending and investments, pricing of administered goods and services and description of other activities such as guarantees and the activities of the public sector undertakings which have potential budgetary implications and the key fiscal measures and targets pertaining to each of these;
- (ii) the strategic priorities of the State Government in the fiscal areas for the ensuing financial year;
- (iii) key fiscal measures and their rationale for any major deviation in fiscal measures pertaining to taxation, subsidy, expenditure, administered pricing and borrowings;
- (iv) evaluation as to how the current policies of the State Government are in conformity with the fiscal management principles as set out in section 4 and the objectives set out in Medium Term Fiscal Policy Statement;
- (v) evaluation of the performance of the fiscal indicators presented in the previous year vis-à-vis the targets set out earlier and the likely performance in the current year.

(5) The Medium Term Fiscal Policy Statement and the Fiscal Policy Strategy Statement referred to in sub-section (1) shall be in such form as may be prescribed.

4. (1) The State Government shall take appropriate measures to reduce the revenue deficit and contain the fiscal deficit and thereby build up an adequate revenue surplus by following the principles laid down in sub-section (3).

**Fiscal  
management  
principles.**

(2) The revenue surplus as aforesaid may be utilised for discharging liabilities of the State.

(3) The State Government shall be guided by the following fiscal management principles, namely:-

- (i) transparency in setting the fiscal policy objectives, the implementation of public policy and in the publication of public accounts;
- (ii) stability in fiscal policy making process;
- (iii) responsibility in the management of public finances;
- (iv) fairness in policy decisions of the State Government having due regard to the financial implications on future generation;
- (v) efficiency in design and implementation of the fiscal policy and managing the public sector;

- (vi) to maintain Government debt at prudent level;
- (vii) to manage guarantees and other contingent liabilities prudently, with particular reference to the quality and level of such liabilities;
- (viii) to maintain the integrity of the tax system by minimizing special incentives, concessions and exemptions;
- (ix) to pursue non-tax revenue policies with due regard to cost recovery and equity;
- (x) to pursue expenditure policies that would provide impetus to economic growth, poverty reduction and promotion of welfare of the people;
- (xi) to ensure that State Government uses resources in such a way that give best value for money and also ensure that public assets are put to the best possible use;
- (xii) to minimize fiscal risks associated with running of public sector undertakings and utilizes it for providing public goods and services;
- (xiii) to formulate budget to realistic and objective manner with due regard to the general economic outlook and revenue prospects and to minimize deviations during the course of the year.

**Fiscal  
management  
targets.**

5. In particular, and without prejudice to the generality of the foregoing provisions, the State Government shall-

- (a) reduce the revenue deficit to zero within a period of three years commencing from the 1<sup>st</sup> April, 2005 and ending on the 31<sup>st</sup> March 2008 and maintain at that level or generate revenue surplus thereafter;
- (b) reduce the revenue deficit in each of the financial year commencing from the 1<sup>st</sup> of April, 2005 in a manner so as to achieve the desired goal set out in clause (a).
- (c) reduce fiscal deficit to not more than three per cent. of the estimated Gross State Domestic Product within a period of four years commencing from the 1<sup>st</sup> April, 2005 and ending on the 31<sup>st</sup> March, 2009;
- (d) reduce the fiscal deficit in each of the financial year commencing from the 1<sup>st</sup> of April, 2005 in a manner so as to achieve the desired goal set out in clause (c).
- (e) cap within a period of three years commencing from the 1<sup>st</sup> April, 2005 and ending on the 31<sup>st</sup> March, 2008, the total public debt of the State Government at thirty percent. of the estimated Gross State Domestic Product for that year;

- (f) cap outstanding guarantees within the limit provided in the Gujarat State Guarantees Act, 1963:

Guj. XXII  
of 1963.

Provided that the revenue deficit and the fiscal deficit may exceed the limits specified under this section on account of unforeseen circumstances or natural calamity:

Provided further that the excess expenditure on the grounds mentioned in the first proviso shall not exceed the actual fiscal cost spent to meet with the situation.

6. (1) The State Government shall take suitable measures to ensure greater transparency in its fiscal operations in the public interest and minimize, as far as practicable, secrecy in the preparation of the budget and the demands for grants:

Measures for  
fiscal  
transparency.

Provided that the State Government shall have the power to reserve any such information, which would adversely affect the interest of the State *Ex-chequer*.

- (2) In particular, and without prejudice to the generality of the foregoing provisions, the State Government shall, at the time of presentation of the budget, disclose in a statement in the form as may be prescribed,-

- (i) the significant changes in the accounting standards, policies and practices affecting or likely to affect the computation of fiscal indicators;
- (ii) the contingent liabilities created by way of guarantees, actual liabilities arising out of borrowings by Public Sector Undertakings and Special Purpose Vehicles and other equivalent instruments where liabilities for repayment is on the State Government having regard to the potential budgetary implications, off-budget borrowings, if any, and the committed liability in respect of major works and supply contracts;
- (iii) revenue demands raised but not realized; and
- (iv) the estimated yearly pension liabilities worked out on actual basis, for the next ten year, within such period as the State Government may, by order, specify.

7. (1) The budget presented and the policies announced at the time of the budget shall be consistent with the objectives of the Medium Term Fiscal Policy Statement and the Fiscal Policy Strategy Statement and the Fiscal Management Targets.

Measures to  
enforce  
compliance.

- (2) Triggers as well as corrective actions that shall be initiated upon activation of triggers shall also be the integral part of the budget.



(3) The Finance Minister of the State shall review the trends in receipts and expenditure in relation to the budget and mentioned the remedial measures required to be taken to achieve the budget targets. The report of such review shall be placed before the State Legislature during the session immediately following the end of the second quarter of the financial year.

(4) The review report, referred in sub-section (3) shall explain,

- (i) any deviation or likely deviation in meeting the obligations cast on the State Government under this Act;
- (ii) whether such deviation is substantial and relates to the actual or the potential budgetary outcomes, and how much of the deviation can be attributed to general economic environment and to policy changes by the Government;
- (iii) the remedial measures, the State Government proposes to take;
- (iv) whenever there is a prospect of either shortfall in revenue or excess of expenditure over the budgetary provisions for a given year on account of any new policy decision of the State Government that affects either the Government or public sector undertakings, the Government, prior to taking such policy decisions, shall take measures to fully offset the fiscal impact for the current and future years by curtailing the sums authorised to be paid and applied from and out of the Consolidated Fund of the State under any Act to provide for the appropriations of such sums or by taking interim measures for revenue augmentation, or by taking up a combination of both:

Provided that nothing in this sub-section shall apply to the expenditure charged on the Consolidated Fund of the State under clause (3) of article 202 of the Constitution of India.

- (v) In case the revenue deficit and fiscal deficit exceed on account of unforeseen demands on the finances of the Government, the Government shall identify the net fiscal cost of the calamity and such cost would provide ceiling for extent of non-compliance to the specified limits.
- (vi) Whenever, one or more supplementary estimates are presented in the State Legislature, the State Government shall also present an accompanying statement indicating the corresponding curtailment of expenditure and augmentation of revenue to fully offset the fiscal impact of the supplementary estimates in relation to the budget targets of the current year and the objectives of the Medium Term Fiscal Policy Statement, Fiscal

Policy Strategy Statement and the Fiscal Management Targets  
for the future year.

8. (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act. **Power to make rules.**
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-
- (a) the measures of evaluation of Fiscal position of the State Government;
  - (b) the form of Medium Term Fiscal Policy Statement and Fiscal Policy Strategic Statement under sub-section (5) of section 3;
  - (c) the form in which disclosures shall be made under sub-section (2) of section 6; and
  - (d) any other matter which is required to be, or may be prescribed.
- (3) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as may be after they are made, and shall be subject to rescission by the State Legislature or to such modifications as the Legislature may make during the session in which they are so laid or the session immediately following.
- (4) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect.
9. No suit, prosecution or other legal proceedings shall lie against the State Government or any officer of the Government for anything which is in good faith done or intended to be done under this Act or the rules made thereunder. **Protection of action taken in good faith.**
10. The provisions of this Act shall be in addition to and not in derogation of, the provisions of any other law for the time being in force. **Application of other laws not barred.**
11. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the *Official Gazette*, make such provisions, not inconsistent with the provisions of this Act, as may appear to be necessary for removing the difficulty. **Power to remove difficulties.**

Provided that no such order shall be made after the expiry of a period of two years from the commencement of this Act.

- (2) Every order made under this section shall be laid, as soon as may be after it is made, before the State Legislature.

### STATEMENT OF OBJECTS AND REASONS

In the last few years, the financial position of the State Governments have received considerable attention and there has been general concern about the State Governments finances and also the accessibility of the State Governments to go to the open market to raise moneys.

The issues like revenue deficit, gross fiscal deficit, debt, contingent liability and other liabilities are of vital importance for the State Government. The impact of State Government's budget and related policies on these areas are being looked at closely. Due to several hard decisions taken by the State Government to contain expenditure and increase tax revenues, the fiscal position has been improved considerably in the last few years.

In order to managing debt at a prudent level, managing guarantee, reducing the revenue deficit to zero by a specified date and reducing the fiscal deficit to a prudent level, it is, therefore, considered necessary to enact the law to continue the financial reforms in right direction.

This Bill seeks to achieve the aforesaid objects.

The following notes on clauses explain, in brief, the important provisions of the Bill:-

*Clause 1.--* This clause provides for short title and commencement.

*Clause 2.--* This clause defines certain terms used in the Bill.

*Clause 3.--* This clause provides for Medium Term Fiscal Policy and Fiscal Policy Strategy Statement and also to lay the same before the State Legislature alongwith the Budget.

*Clause 4.--* This clause stipulates measures so as to reduce revenue deficit and contain fiscal deficit and build up an adequate revenue surplus.

*Clause 5.--* This clause provides for fiscal management targets such as reducing revenue deficit, fiscal deficit and capping the public debt and outstanding guarantees of the State Government.

*Clause 6.--* This clause provides for the measures to ensure transparency in fiscal operations in the public interest and to minimize, as far as practicable, secrecy in preparation of the budget.

*Clause 7.--* This clause provides for the measures to be taken to ensure that the budget presented and policies announced are consistent with the objectives of the Fiscal Policy Strategy Statement and the fiscal

management targets. It also provides for review in the case of deviation in meeting the obligations.

*Clause 8.--* This clause empowers the State Government to make, by notification in the *Official Gazette*, the rules for carrying out the purposes of this Act.

*Clause 9.--* This clause provides for usual indemnity for acts done in good faith.

*Clause 10.--* This clause provides that provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

*Clause 11.--* This clause empowers the State Government to remove difficulties arising within two years from the commencement of the Act.

**VAJUBHAI VALA**

#### **MEMORANDUM REGARDING DELEGATED LEGISLATION**

This Bill involves the delegation of legislative powers in the following respects:--

*Clause 1.--* Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

*Clause 2.--* Sub-clause (d) of this clause empowers the State Government to prescribe by rules, the measures for evaluation of the fiscal position of the State Government.

*Clause 3.--* Sub-clause (5) of this clause empowers the State Government to prescribe by rules, the form of Medium term Fiscal Policy Statement and the Fiscal Policy Strategy Statement.

*Clause 6.--* Sub-clause (2) of this clause empowers the State Government to prescribe by rules the form of the Statement for disclosing the information mentioned therein.

*Clause 8.--* This clause empowers the State Government to make, by notification in the *Official Gazette*, rules generally for carrying out the purposes of the Act and particularly for matters specified in sub-clause (2).



*Clause 11.-* This clause empowers the State Government to make an order for removing difficulty arising within two years from the commencement of this Act.

The delegation of legislative powers as aforesaid is necessary and is of a normal character.

Dated the 16<sup>th</sup> February, 2005.

**VAJUBHAI VALA.**

By order and in the name of the Governor of Gujarat,

**S. S. PARMAR,**

Gandhinagar,

Dated the 17<sup>th</sup> February, 2005.

Secretary to the Government of Gujarat,

Legislative and Parliamentary Affairs Department



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## EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XLVI] THURSDAY, FEBRUARY 17, 2005/MAGHA 28, 1926

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### PART V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the Gujarat Government Gazette. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

#### THE DHRANGADHRA MUNICIPALITY (IMPOSITION OF TAXES) (VALIDATION) (REPEAL) BILL, 2005.

GUJARAT BILL NO. 12 OF 2005.

#### A BILL

*to repeal the Dhrangadhra Municipality (Imposition of Taxes) (Validation)  
Act, 1977.*

It is hereby enacted in the Fifty-sixth Year of the Republic of India  
as follows :-

1. This Act may be called the Dhrangadhra Municipality (Imposition  
of Taxes) (Validation) (Repeal) Act, 2005.

Short title.

Guj. 6  
of  
1978.

2. The Dhrangadhra Municipality (Imposition of Taxes)  
(Validation) Act, 1977 is hereby repealed.

Repeal.

**STATEMENT OF OBJECTS AND REASONS**

The Dhrangadhra Municipality (Imposition of Taxes) (Validation) Act, 1977 was enacted for the purpose of validating the imposition and collection of taxes by the Dhrangadhra Municipality for the specified period from 1<sup>st</sup> July, 1949 to 30<sup>th</sup> April, 1965. Since the purpose in view has already been achieved, there is no need to continue the Dhrangadhra Municipality (Imposition of Taxes) (Validation) Act, 1977 on the Statute Book. It is, therefore, considered necessary to repeal the said Act.

This Bill seeks to repeal the said Act to achieve the aforesaid object.

Dated the 17th February, 2005.

**INDRAVIJAYSINH JADEJA.**

By order and in the name of the Governor of Gujarat,

**S.S. PARMAR,**

Gandhinagar,

Secretary to the Government of Gujarat,

Dated the 17th February, 2005.

Legislative and Parliamentary Affairs Department.

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Government Central Press, Gandhinagar.



सत्यमेव जयते

# **The Gujarat Government Gazette**

## **EXTRAORDINARY**

### **PUBLISHED BY AUTHORITY**

Vol : XLVI]

THURSDAY, FEBRUARY 17, 2005 / MAGHA 28, 1926

Separate paging is given to this Part in order that it may be filed as a Separate Compilation

#### **PART - V**

##### **Bills introduced in the Gujarat Legislative Assembly.**

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

##### **THE DHARMSINH DESAI UNIVERSITY BILL, 2005.**

##### **GUJARAT BILL NO. 13 OF 2005.**

##### **A BILL**

*to provide for the establishment of the Dharmsinh Desai University, Nadiad, Gujarat by law and to confer the status of a University thereon and for matters connected therewith or incidental thereto.*

It is hereby enacted in the Fifty-sixth Year of the Republic of India as follows:-

1. (1) This Act may be called the Dharmsinh Desai University Act, 2005.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Short title and  
commencement.



Definitions. 2. In this Act, unless the context otherwise requires, -

- (a) "Academic Council" means the Academic Council of the University constituted under section 14;
- (b) "Board " means the Board of Governors of the University constituted under section 10;
- (c) "Chairman" means the Chairman of the Board appointed under section 11;
- (d) "Deans" mean the Deans of the University appointed under section 21;
- (e) "Finance Committee" means the Finance Committee of the University constituted under section 16;
- (f) "Foundation" means the Dharmsinh Desai Foundation, Vadodara;
- (g) "Patron Trustee" means the Patron Trustee of the Dharmsinh Desai Foundation, Vadodara ;
- (h) "President" means the President of the University appointed under section 7;
- (i) "prescribed" means prescribed by the regulations;
- (j) "Registrar" means the Registrar of the University appointed under section 20;
- (k) "Regulations" means the Regulations of the University made under section 32;
- (l) "Society" means the Dharmsinh Desai Foundation, Vadodara, a society registered under the Societies Registration Act, 1860; XXI of 1860.
- (m) "Trust" means the Dharmsinh Desai Foundation, Vadodara registered under the Bombay Public Trusts Act, 1950; Bom. 29 of 1950.
- (n) "University" means the Dharmsinh Desai University, Nadiad, Gujarat, a University established under section 3;
- (o) "Vice-Chancellor" means the Vice-Chancellor of the University appointed under section 18.

Establishment  
and  
incorporation  
of University.

3. (1) There shall be established a University by the name of "The Dharmsinh Desai University, Nadiad, Gujarat".

(2) The President, the Board, the Academic Council, the Vice-Chancellor, the Deans, the Registrar and all other persons who may hereafter become such officers or members so long as they continue to hold such office or membership, are hereby constitute a body corporate by the name of "The Dharmsinh Desai University, Nadiad, Gujarat".

(3) The University shall function as a non-affiliating University established under this Act and it shall not affiliate any other college or

Institute for the award conferment of degree, diploma and certificate of its degree to the students admitted therein.

(4) Save as provided in clause (vi) of sub-section (1) of section 24 of this Act, the University shall not have any new grant-in-aid or other financial assistance which it was not receiving on the date of commencement of this Act, from the State Government.

(5) The University shall be a body corporate by the name aforesaid, having perpetual succession and common seal with power, subject to the provisions of this Act, to acquire and hold property, to contract and shall, by the said name, sue and be sued.

(6) In all suits and other legal proceedings by or against the University, the pleadings shall be signed and verified by the Registrar and all processes in such suits and proceedings shall be issued to, and served on, the Registrar.

(7) The headquarters of the University shall be at Nadiad, Gujarat.

4. The objects of the University shall be to develop the knowledge of science and technology, dental, medical, pharmacy, commerce, management and education for the advancement of mankind. The objects of the University shall be as follows, namely :-

**Objects of  
University.**

- (i) disseminate, create and preserve knowledge and understanding by teaching, research, training and extension activities by effective demonstration and influence of its corporate life on society in general;
- (ii) to create centres of excellence for providing knowledge, education, training and research facilities of high order in the field of science and technology, dental, medical, pharmacy, commerce, management and other related professional education as per its current status and such other matters as may develop in future, including continuing education;
- (iii) to develop patterns of teaching for a certificate or diploma, upto undergraduate, post-graduate and doctoral level and to maintain a high standard of education and its applications; to create capabilities for upgrading science and technology, dental, medical, pharmacy, commerce, management and technology infrastructure of the global standards;
- (iv) to develop training facilities in higher education including professional education and allied fields; to provide for inter-relationships for national and global participation in the field of science and technology, dental, medical, pharmacy, commerce, management and its allied fields;
- (v) to function as a learning resource centre;
- (vi) to provide for arrangement for national and global participation in the field of higher and professional education including technical

education, science and technology, dental, medical, pharmacy, commerce, management; and

- (vii) to establish close linkage with the industry to make teaching, research and training at the University relevant to the needs of the economy, at national and global level.

University  
open to all  
irrespec-  
tive of  
sex,  
religion,  
class,  
creed or  
opinion.

5. (1) No person shall be excluded from any office of the University or from membership of any of its authorities or from admission to any degree, diploma or other academic distinction or course of study on the sole ground of sex, race, creed, caste, class, place of birth, religious belief or profession of political or other opinion.

(2) It shall not be lawful for the University to impose on any person any test whatsoever relating to sex, race, creed, caste, class, place of birth, religious belief or profession of political or other opinion in order to entitle him to be admitted as a teacher or a student or to hold any office or post in the University or to qualify for any degree, diploma or other academic distinction or to enjoy or exercise any privileges of the University or any benefaction thereof.

Powers  
and  
functions  
of  
University.

6. Subject to the provisions of this Act, the University shall exercise the following powers and perform the following functions, namely:-

- (i) to administer and manage the University and such centres for research, education and instruction as are necessary for the furtherance of the objects of the University;
- (ii) to provide for instruction, training and research in such branches of knowledge or learning pertaining to science and technology, dental, medical, pharmacy, commerce, management and allied areas and for the advancement and dissemination of science and technology and allied areas;
- (iii) to conduct innovative experiments in new methods and technologies in the field of science and technology in order to achieve international standards of such education, training and research;
- (iv) to prescribe courses and curricula and provide for flexibility in the education system and delivery methodologies including electronic and distance learning;
- (v) to hold examinations through electronic mode also and confer degrees, diplomas or grant certificates, and other academic distinctions or titles on persons subject to such conditions as the University may determine, and to withdraw or cancel any such degrees, diplomas, certificates, or other academic distinctions or titles in the manner prescribed by the Regulations;
- (vi) to confer honorary degrees or other distinctions in the manner prescribed by the Regulations;

- (vii) to establish such special centers, specialized study centers or other units for research and instruction as are, in the opinion of the University, necessary for the furtherance of its objects;
- (viii) to provide for printing, reproduction and publication of research and other works and to organise exhibitions;
- (ix) to sponsor and undertake research in all aspects of science and technology, dental, medical, pharmacy, commerce, management and allied areas;
- (x) to collaborate or associate with, advise, administer, control, develop, maintain, or take over by way of merger or otherwise, any educational institution with like or similar objects;
- (xi) to develop and maintain linkages with educational or other institutions in any part of the world having objects wholly or partially similar to those of the University, through exchange of teachers and scholars, and generally in such manner as may be conducive to their common objects;
- (xii) to develop and maintain relationships with teachers, researchers, and domain experts in science and technology, dental, medical, pharmacy, commerce, management and allied areas in any part of the world for achieving the objects of the University;
- (xiii) to regulate the expenditure and to manage the finances and to maintain accounts of the University;
- (xiv) to receive funds from industry, national and international organisations or any other source as gifts, donations, benefactions, bequests and by transfers of movable and immovable properties, for the purposes and objects of the University;
- (xv) to establish, maintain and manage halls and hostels for the residence of students;
- (xvi) to supervise and control the residence and regulate the discipline of students of the University and to make arrangements for promoting their health and general welfare and cultural activities;
- (xvii) to fix, demand and receive or recover fees and such other charges as may be prescribed by the Regulations;
- (xviii) to institute and award fellowships, scholarships, prizes, medals and other awards;
- (xix) to purchase or to take on lease or accept as gifts or otherwise any land or building or works which may be necessary or convenient for the purpose of the University and on such terms



and conditions as it may think fit and proper and to construct or alter and maintain any such building or works;

(xx) to sell, exchange, lease or otherwise dispose of all or any portion of the properties of the University, movable or immovable, on such terms as it may think fit and consistent with the interest, activities and objects of the University;

(xxi) to draw and accept, to make and endorse, to discount and negotiate, promissory notes, bills of exchange, cheques or other negotiable instruments;

(xxii) to raise and borrow money on bond, mortgages, promissory notes or other obligations or securities founded or based upon all or any of the properties and assets of the University or without any securities and upon such terms and conditions as it may think fit and to pay out of the funds of the University, all expenses incidental to the raising of money, and to repay and redeem any money borrowed;

(xxiii) to invest the funds of the University in or upon such securities and transpose any investment from time to time in such manner as it may deem fit;

(xxiv) to execute conveyances regarding transfers, mortgages, leases, licenses, agreements and other conveyances in respect of property, movable or immovable including Government securities belonging to the University or to be acquired for the purpose of the University;

(xxv) to admit the students for the courses offered by the University in the manner prescribed by the Regulations;

(xxvi) to create academic, technical, administrative, ministerial and other posts and to make appointments thereto;

(xxvii) to regulate and enforce discipline among the employees of the University and to provide for such disciplinary measures as may be prescribed by the Regulations;

(xxviii) to institute professorship, associate professorship, assistant professorship, readerships, lectureships and any other teaching, academic or research posts and to prescribe by Regulations qualifications for them;

(xxix) to appoint persons as professors, associate professors, assistant professors, readers, lecturers or teachers and researchers of the University;

(xxx) subject to the provisions of this Act and regulations, any officer or authority of the University may, by order, delegate his or its powers except the power to make regulations to any other officer or authority under his or its control and subject to the condition that the ultimate responsibility for the exercise of the

powers so delegated shall continue to vest in the officer or authority delegating them; and

(xxxi) to do all such other acts and things as the University may consider necessary, conducive or incidental to the attainment or enlargement of all or any of the objects of the University.

7. (1) The Patron Trustee of the Dharmsinh Desai Foundation, Vadodara shall be the President of the University for life at his pleasure. He may at his pleasure designate any other permanent trustee of the trust to be the President of the University. **President.**

(2) The President shall have, subject to the provisions of this Act, power to cause an inspection or review to be made by such person or persons as he may direct, of the University, its buildings, libraries, equipments and systems and processes and of any institution or centre maintained by the University, and also of the examinations, teaching, research and other work conducted or done by the University and to cause an inquiry to be made in like manner in respect of any matter connected with the administration and finances of the University.

8. The following shall be the authorities of the University, namely:- **Authorities of University.**

- (a) the Board;
- (b) the Academic Council;
- (c) the Finance Committee; and
- (d) such other authorities as may be prescribed by the Regulations.

9. The following shall be the officers of the University, namely:- **Officers of University.**

- (a) the Vice-Chancellor,
- (b) the Deans,
- (c) the Registrar, and
- (d) such other persons as may be prescribed by the Regulations.

10. (1) The Board of Governors of the University shall consist of the following members, namely:- **Board of Governors.**

- (i) the President shall be the Chairman of the Board;
- (ii) two representatives of the Trust;
- (iii) Vice-Chancellor of the University;
- (iv) two Deans of the University, by rotation, to be nominated by the Vice-Chancellor;
- (v) the Secretary to Government, (Higher and Technical Education), Education Department, Government of Gujarat;
- (vi) three experts academicians to be nominated by the President;

- (vii) three experts representing other disciplines such as finance, legal, management, humanities to be nominated by the President; and
- (viii) two representatives of the Industries to be nominated by the President.

(2) The Registrar shall be the Secretary of the Board.

**Chairman  
of Board.**

11. (1) The Chairman shall preside over at the meetings of the Board and at the convocations of the University.

(2) The Chairman shall exercise such other powers and perform such other duties as may be assigned to him by this Act or the Regulations.

**Powers  
and func  
tions of  
Board.**

12. (1) Subject to the provisions of this Act, the Board shall be responsible for the general superintendence, direction and control of the affairs of the University and shall exercise all the powers of the University, and shall have the power to review the acts of the Academic Council and the Finance Committee.

(2) Without prejudice to the provisions of sub-section (1), the Board shall have the following powers and functions, namely :-

- (i) to take decisions on question of policy relating to the administration and working of the University;
- (ii) to institute courses of study at the University;
- (iii) to make Regulations;
- (iv) to consider and approve the annual report and the annual accounts of the University for every financial year;
- (v) to invest moneys and funds of the University and take decisions on the recommendations of the Finance Committee;
- (vi) to publish or finance the publication of studies, treatises, books, periodicals, reports and other literature and to sell or arrange for the sale as it may deem fit from time to time;
- (vii) to create or abolish posts of teachers and other employees of the University;
- (viii) to appoint such committees as it considers necessary for the exercise of its powers and the performance of its duties under this Act;
- (ix) to delegate any of its powers to the Vice-Chancellor, Deans, Registrar, or any other officer, employee or authority of the University or to a committee appointed by it; and



- (x) to exercise such other powers and perform such other functions as may be conferred or imposed upon it by this Act or Regulations and such other powers for achieving the objects of the University.

13. (1) Save as otherwise provided in this section, the term of nominated members of the Board shall be three years from the date of nomination;
- (2) an *ex-officio* member shall continue so long as he holds the office by virtue of which he is such member;
- (3) any vacancy in the Board occurring before the next reconstitution or before the expiry of the prescribed period shall be filled by nomination of another person by the President;
- (4) a member nominated under sub-section (3) shall continue for the remainder of the term of a member in whose place he is nominated;
- (5) an outgoing member shall be eligible for re-nomination for the next term;
- (6) a member may resign his office by writing under his hand addressed to the President but he shall continue in office until his resignation has been accepted by the President.

Terms of  
office and  
vacancies  
among  
members  
of Board.

14. (1) The Academic Council of the University shall consist of the following members, namely:-

Academic  
Council.

- (i) the Vice-Chancellor of the University, *ex-officio*, who shall be the Chairman of the Academic Council;
- (ii) two academicians or professionals, to be nominated by the Board;
- (iii) two external academicians or professionals in the area of science and technology, to be nominated by the Vice-Chancellor;
- (iv) two Deans of the University, by rotation to be nominated by the Vice-Chancellor;
- (v) one Professor from each discipline of the University, by rotation to be nominated by the Vice-Chancellor; and
- (vi) the Registrar who shall be the non-member secretary of the Council.
- (2) The term of office of the members other than the *ex-officio* member shall be three years.



15. Subject to the provisions of this Act, and the Regulations, the Academic Council of the University shall have the following powers and functions, namely:-

Powers  
and  
functions  
of  
Academic  
Council.

- (i) to exercise control over the academic policies of the University and shall be responsible for the maintenance and improvement of standards of instruction, education and evaluation in the University;
- (ii) to consider matters of general academic interest either on its own initiative or on a reference from the Faculty of the University or the Board and to take appropriate action thereon;
- (iii) to recommend to the Board such Regulations as are consistent with this Act regarding the academic functioning of the University including discipline of students; and
- (iv) to exercise such other powers and perform such other duties as may be conferred or imposed upon it by the Regulations.

Finance  
Committee.

16. (1) The Finance Committee shall consist of the following members, namely:-

- (i) the Vice-Chancellor of the University *ex-officio* shall be the Chairman of the committee;
- (ii) one member of the Board to be nominated by the President;
- (iii) one Dean of the University by rotation to be nominated by the Vice-Chancellor;
- (iv) one expert to be nominated by the President; and
- (v) the Registrar shall be the non-member secretary of the committee.

(2) The term of office of the members other than the *ex-officio* member shall be three years.

Powers  
and  
functions  
of  
Finance  
Committee.

17. Subject to the other provisions of this Act, the Finance Committee shall exercise the following powers and perform the following functions, namely:-

- (i) to examine the annual accounts and annual budget estimates of the University and advise the Board thereon;
- (ii) to review the financial position of the University from time to time;
- (iii) to make recommendations to the Board on all financial policy matters of the University;
- (iv) to make recommendations to the Board on all proposals involving raising of funds, receipts and expenditure;

- (v) to provide guidelines for investment of surplus funds;
  - (vi) to make recommendations to the Board on all proposals involving expenditure for which no provision has been made in the budget or for which expenditure in excess of the amount provided in the budget has been incurred;
  - (vii) to examine all proposals relating to revision of scale, upgradation of the scale and those items which are not included in the budget, before they are placed before the Board; and
  - (viii) to exercise such other powers and perform such other functions as may be conferred or imposed upon it by the Regulations.
18. (a) The Vice-Chancellor shall be appointed by the Board out of the panel of names recommended from time to time by the committee consisting of the following members, namely:-
- Vice-Chancellor.
- (i) an eminent technologist to be nominated by the President;
  - (ii) an eminent educationist to be nominated by the President; and
  - (iii) one member of the Board to be nominated by the President.
- (b) The President shall designate one member as the Chairman of the committee.
- (c) The term of office of the Vice-Chancellor shall be determined by the Board for the period not exceeding five years.
- (d) Notwithstanding anything contained in clauses (a) and (c), the Vice-Chancellor of the University holding the office at the commencement of this Act, shall be deemed to have been appointed as the first Vice-Chancellor.
- (e) Where a vacancy in the office of Vice-Chancellor occurs and it cannot be conveniently and expeditiously filled up in accordance with the provisions of clauses (a) and (c) and if there is any emergency, the President, in consultation with the Board, may appoint any suitable person to be the Vice-Chancellor and may, from time to time, extend the term for a period not exceeding one year.
- (f) The terms and conditions of service of the Vice-Chancellor shall be such as may be prescribed by the Board and until so prescribed, shall be determined by the President.

**Powers and  
duties of Vice-  
Chancellor.**

19. (1) The Vice-Chancellor shall be the Chief Executive and Academic Officer of the University. He shall preside over at the meetings of the Academic Council and Finance Committee.

(2) Without prejudice to the generality of the provision contained in sub-section (1), the Vice-Chancellor shall -

- (i) exercise general supervision and control over the affairs of the University;
- (ii) ensure implementation of the decisions of the authorities of the University;
- (iii) be responsible for imparting of instruction and maintenance of discipline in the University; and
- (iv) exercise such other powers and perform such other duties as may be assigned to him under this Act or the Regulations or as may be delegated to him by the Board or by the President.

(3) Where any matter is of urgent nature requiring immediate action and the same cannot be immediately dealt with by the Chairman or authority or body of the University empowered under this Act to deal with it, the Vice-Chancellor may take such action as he may deem fit and shall forthwith report the action taken by him to the Chairman or authority or body of the University who or which, in the ordinary course, would have dealt with the matter:

Provided that if such authority or other body is of the opinion that such action ought not have been taken by the Vice-Chancellor, it may refer the matter to the Chairman who may either confirm the action taken by the Vice-Chancellor or annul the same or modify it in such manner as he thinks fit, and thereupon it shall cease to have effect or as the case may be, shall take effect in such modified form; so however such modification or annulment shall be without prejudice to the validity of anything previously done by or under the orders of the Vice-Chancellor.

(4) Where the exercise of the power by the Vice-Chancellor under sub-section (3) involves the appointment of any person, such appointment shall be confirmed by the competent authority empowered to approve such appointment, in accordance with the provisions of this Act and the Regulations, not later than six months from the date of the order of the Vice-Chancellor, otherwise the same shall cease to have effect on the expiration of a period of six months from the date of the order of the Vice-Chancellor.

**Registrar.**

20. (1) The Registrar shall be appointed by the University in such manner and on such terms and conditions as may be prescribed by the Regulations.

(2) The Registrar shall exercise the following powers and perform following duties, namely :-

- (i) he shall be responsible for the custody of records, common seal, the funds of the University and such other property of the University;



- (ii) he shall place before the Board and other authorities of the University, all such information as may be necessary for transaction of its business;
- (iii) he shall be responsible to the Vice-Chancellor for the proper discharge of his functions;
- (iv) he shall, subject to the control of the Vice-Chancellor, be responsible for the administration and services of the University and conduct the examinations and make all other arrangements necessary thereof and be responsible for the execution of all processes connected therewith;
- (v) he shall attest and execute all documents on behalf of the University; and
- (vi) he shall exercise such other powers and perform such other duties as may be assigned to him under this Act, the Regulations or as may be delegated to him by the Board or the Vice-Chancellor.

**The Deans.**

21. (1) The Deans of the University shall be appointed by the Vice-Chancellor, with the approval of the Chairman of the Board, from amongst the Faculty of the University.

(2) The Deans shall assist the Vice-Chancellor in managing the academic and other affairs of the University and shall exercise such powers and perform such duties as may be prescribed by the Regulations or be entrusted to them by the Vice-Chancellor.

**Permanent Endowment Fund of University.**

22. The trust shall place funds at the disposal of the University to be called the Permanent Endowment Fund of a sum of ten crores of rupees or a sum required for meeting the full operational expenditure of the University for three years, in long term interest bearing securities issued or guaranteed by the Central or State Government. On the termination of the involvement of the trust and after meeting the operational expenditure for three years, out of the Permanent Endowment Fund, if there is any unused balance that shall be paid back to the trust.

**Payment to University.**

23. The trust may pay to the University from time to time such sums of money and in such manner as may be considered necessary for the exercise of its powers and discharge of its functions under this Act.

**Funds of University.**

24. (1) The University shall have its own funds consisting of -

- (i) all moneys provided by the trust;
- (ii) all fees and other charges received by the University;
- (iii) all moneys received by the University by way of grants, loans, gifts, donations, benifications, bequests or transfers;



- (iv) all moneys received by the University from the collaborating industry in terms of the provisions of the Memorandum of Understanding between the University and the industry, for establishment of sponsored chairs, fellowships and infrastructure facilities of the University;
- (v) all moneys received by the University in any other manner or from any other source; and
- (vi) all moneys received by the University by way of grant-in-aid from the State Government for the courses which are conducted at the time of commencement of this Act.

(2) All funds of the University shall be deposited in such banks or invested in such manner as the Board may decide on recommendation of the Finance Committee.

(3) The funds of the University shall be applied towards the expenses of the University including expenses incurred in the exercise of its powers and discharge of its functions.

25. (1) The University shall maintain proper accounts and other records, and prepare an annual statement of accounts, including the income and expenditure account and the balance sheet, in such form and in such manner as may be prescribed by the Regulations.

Accounts  
and  
audit.

(2) The University shall adopt a proper system of internal checks and balances and controls in the discharge of its finance, accounting and auditing functions as may be prescribed by the Regulations.

(3) The accounts of the University shall be audited not less than once per year by an auditor who shall be a Chartered Accountant or a firm of Chartered Accountants as defined in the Chartered Accountant Act, 1949 who shall be appointed by the Board.

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of  
1949.

(4) The accounts of the University certified by the person or firm so appointed or any other person authorised in this behalf together with the audit report thereon shall be placed before the Board and the Board may issue such instructions to the University in respect thereof as it deems fit and the University shall comply with such instructions.

(5) The accounts of the University shall be audited by an internal auditor who shall be a Chartered Accountant or a firm of Chartered Accountants appointed by the Board, to ensure concurrent audit of all books of accounts, and such periodic internal audit reports shall be placed before the Board for review.

(6) The University shall prepare each year a report of its activities during the previous year and submit it in the form of an annual report to the Board for review and approval.

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of  
1925.

26. (1) The University shall, with approval of the Board, constitute for the benefit of its officers, teachers and other employees, in such manner and subject to such conditions, as may be prescribed by the Regulations, such scheme of pension, provident funds and insurance as it may deem fit, and also aid in establishment and support of the associations, institutions, funds, trusts and conveyance calculated to benefit the staff and the students of the University.

Pension  
and  
provident  
fund.

(2) Where any such provident fund has been so constituted, the provisions of the Provident Funds Act, 1925, shall apply to such fund as if it were a Government provident fund.

27. No act or proceeding of the Board, or any authority of the University or any committee constituted under this Act or by the Regulations shall be questioned on the ground merely of the existence of any vacancy in or defect in the constitution of, the Board, authority or committee of the University.

Acts and  
proceedings  
not to be  
invalidated by  
vacancies.

28. Notwithstanding anything contained in any other law for the time being in force, the University shall have powers to confer degrees, honorary degrees, diplomas and other academic distinctions, titles and grant certificates as approved by the Board.

Conferment  
of degrees,  
diplomas and  
grant of  
certificates  
by  
University.

29. The University shall furnish to the State Government, University Grants Commission and other statutory authorities such reports, returns, statements and other information as may be required by them from time to time.

Returns  
and  
information.

30. The trust shall give a notice of not less than six months period to the State Government of its intention to dissolve the trust. Upon receipt of any notice from the trust, the State Government shall make arrangements for administration of the University from the date of dissolution of the trust and until the last batch of students in regular courses of the University complete their courses. The expenditure for administration of the University during taken-over period of its management shall be met out of the Permanent Endowment Fund of the University. On dissolution of the trust, this fund shall be in the form of a corpus fund.

Management  
of University  
on dissolution  
of trust.

31. The State Government shall have powers to issue directions from time to time as may be required to be followed by the University under the provisions of this Act, the Regulations made thereunder and under any other law for the time being in force.

Powers of  
State  
Government.

32. (1) Subject to the provisions of this Act, the Board shall have, in addition to all other powers vested in it, the power to make Regulations to provide for the administration and management of the affairs of the University.

Regulations.

(2) In particular and without prejudice to the generality of the foregoing powers, such regulations may provide for all or any of the following matters, namely:-

- (i) the summoning and holding of meetings of the authorities of the University, other than the first meeting of the Board, and the quorum and conduct of business at such meetings;
- (ii) the powers and functions to be exercised and discharged by the President of the Board of the University;
- (iii) the constitution, powers and duties of the authorities, bodies and other committees of the University established under this Act, the qualifications and disqualifications for membership of such authorities, term of office of the membership, appointment and removal of members thereof and other matters connected therewith;
- (iv) the procedure to be followed by the Board and any committee or other body constituted under this Act or by the Regulations in the conduct of the business, exercise of the powers and discharge of the functions;
- (v) the procedure and criteria to be followed in establishing courses of study and admission of students;
- (vi) the procedure to be followed for enforcing discipline in the University;
- (vii) the management of the properties of the University;
- (viii) the degrees, diplomas, certificates and other academic distinctions and titles which may be conferred or granted by the University and withdrawal or cancellation of any such degrees, diplomas, certificates and other academic distinctions and titles and the requirements thereof;
- (ix) the conduct of examinations including the term of office and appointment of examiners;
- (x) the creation of posts of Professors, Associate Professors, Assistant Professors, Readers, Lecturers or equivalent academic designations or posts, officers and employees of the University, and the appointment of persons to such posts including the qualifications requisite therefor;
- (xi) the fees and other charges which may be paid to the University for the courses, training, facilities and services provided by it;
- (xii) the manner and conditions for constitution of pension, provident funds, insurance and such other schemes for the benefit of officers, teachers, and other employees of the University;



- (xiii) the terms and conditions applicable for association of the University with other institutions;
- (xiv) the preparation of budget estimates and maintenance of accounts;
- (xv) the mode of execution of contracts or agreement by or on behalf of the University;
- (xvi) the classification and procedure for appointment of officers and staff of the University;
- (xvii) the terms and tenure of appointments, salaries and allowances, contractual services, rules of discipline and other conditions of service of the Vice-Chancellor, other officers, teachers and employees of the University;
- (xviii) the terms and conditions governing deputation of officers and staff of the University;
- (xix) the powers and duties of the Vice-Chancellor and other officers, teachers and employees of the University;
- (xx) the terms and conditions governing fellowship, scholarships, stipends, medals and prizes;
- (xxi) the authentication of the orders and decisions of the Board;
- (xxii) the matters relating to hostels and halls of residence including disciplinary control therein; and
- (xxiii) all matters which, by this Act, are to be or may be prescribed by the Regulations.

33. If any difficulty arises with respect to the establishment of the University or in connection with the first meeting of any authority of the University or otherwise in giving effect to the provisions of this Act and the Regulations, the President of the University may, at any time, before all authorities of the University have been constituted, by order, make any appointment or do anything consistent, so far as may be, with the provisions of this Act and the Regulations, which appear to him necessary or expedient for the purpose of removing the difficulty and every such order shall have effect as if such appointment or action had been made or taken in the manner provided in this Act and the Regulations:

Removal of  
difficulties at  
commencement.

Provided that before making any such order the President may ascertain and consider the opinion of the Vice-Chancellor and of such appropriate authority of the University as may have been constituted.



**Transitory provisions.****34. Notwithstanding anything contained in this Act,-**

- (1) the Vice-Chancellor may, with the prior approval of the President and subject to availability of funds, discharge all or any of the functions of the University for the purpose of carrying out the provisions of this Act and the Regulations and for that purpose may exercise any power or perform any duties which by this Act and the Regulations are to be exercised or performed by any authority of the University until such authority comes into existence as provided by this Act and the Regulations;
- (2) the Board functioning as such immediately before the commencement of this Act shall continue to so function until the Board is constituted for the University under this Act, but on the constitution of the Board under this Act, the members of the Board holding office before such constitution shall cease to hold office;
- (3) the Academic Council functioning as such immediately before the commencement of this Act shall continue to so function until the Academic Council is constituted for the University under this Act, but on the constitution of the Academic Council under this Act, the members of the Academic Council holding office before such constitution shall cease to hold office;
- (4) the Finance Committee functioning as such immediately before the commencement of this Act shall continue to so function until the Finance Committee is constituted for the University under this Act, but on the constitution of the Finance Committee under this Act, the members of the Finance Committee holding office before such constitution shall cease to hold office;
- (5) until the first Regulations of the University are made under this Act, the existing rules and regulations of the Dharmsinh Desai Institute of Technology, Nadiad declared as deemed University approved by the Board as in force immediately before the commencement of this Act, shall continue to apply to the University, in so far as they are not inconsistent with the provisions of this Act.

**Indemnity.**

- 35.** No suit, prosecution or other legal proceedings shall lie against and no damages shall be claimed from the University, the Vice-Chancellor, the authorities or officers of the University or any other person in respect of anything which is done in good faith or purporting to be done in pursuance of this Act or any Regulation made thereunder.

**STATEMENT OF OBJECTS AND REASONS**

Since long, it was felt that there is a genuine need to create a sound infrastructure in the State of Gujarat in the field of science and technology and other educational areas of international standards and to actively participate in the fructification of the national plan for the science technology. It is well known that the rate of change in today's technological world is extremely fast and unless the technological education system is allowed to keep pace with these changes, the same will be rendered redundant. With this objective, the Dharmsinh Desai Foundation, Nadiad, has created a trust for establishing University of national level to provide an opportunity for quality education in science and technology and has proposed to the State Government to enact a special law for giving the status of University to this Institute.

This Bill proposed to allow the setting up of a University for imparting courses related to science and technology which aims at to promote, reform and innovation. It is, therefore, considered necessary to establish the Dharmsinh Desai University in the State of Gujarat by enacting a law.

This Bill seeks to achieve the aforesaid objects.

The following notes on clauses explain in brief some of the important provisions of the Bill.

*Clause 1.-* This clause provides for short title and commencement.

*Clause 2.-* This clause defines certain terms used in the Bill.

*Clauses 3, 4 and 6.-* These clauses provide for the establishment and incorporation, objects and powers of the University.

*Clause 7.-* This clause provides that the patron trustee of the Dharmsinh Desai Foundation, Nadiad, shall be the President of the University, and provides for powers of the President.

*Clauses 8 and 9.-* These clauses relate to authorities and officers of the University.

*Clauses 10, 12 and 13.-* These clauses provide for the constitution, powers and functions of the Board of Governors and terms of office and filling up of vacancies of members.

*Clause 11.-* This clause relates to Chairman and its powers.

*Clauses 14 and 15.-* These clauses provide for constitution of Academic Council and its powers and functions.

*Clauses 16 and 17.-* These clauses provide for constitution of Finance Committee and its powers and functions.

*Clauses 18 and 19.-* These clauses relate to Vice-Chancellor and its powers and duties.

*Clause 20.-* This clause relates to the Registrar and its powers and functions.

*Clause 21.-* This clause relates to Deans of the University and powers and functions to be performed by him.

*Clauses 22 and 23.-* These clauses relate to Permanent Endowment Fund of the University and payment to University.

*Clause 24.-* This clause provides for University Fund.

*Clause 25.-* This clause provides for the preparation of the annual financial estimates, annual accounts, audit and annual report.

*Clause 26.-* This clause provides for the pension, provident fund and insurance of officers, teachers and other employees of the University.

*Clauses 28 and 29.-* These clauses provide for conferment of degrees, diplomas and grant of certificates by the University and returns and information to be furnished to the State Government.

*Clause 30.-* This clause relates to arrangements for administration of the University.

*Clause 31.-* This clause relates to powers of the State Government to give directions as may be required from time to time.

*Clauses 32 to 35.-* These clauses relate to make regulations, removal of difficulties at the commencement, transitory provisions and indemnity.

ANANDIBEN PATEL

### FINANCIAL MEMORANDUM

Clause 22 of the Bill provides that there shall be Permanent Endowment Fund of the University of the sum of rupees ten crores placed by the trust for meeting the operational expenditure of the University for three years. Therefore, the expenditure shall be incurred from the said Fund. Clause 24 of the Bill provides that the University shall not have any new grant-in-aid or other financial assistance which it was not receiving on the date of commencement of the Act. Hence, the Bill, if enacted and brought into force, would not involve any additional expenditure from the Consolidated Fund of the State.

ANANDIBEN PATEL



**MEMORANDUM REGARDING DELEGATED LEGISLATION**

This Bill involves delegation of legislative powers in the following respects:-

*Clause 1.-* Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force

*Clause 6.-* (i) Sub-clause (v) of this clause empowers the University to prescribe by regulations, the manner in which degrees and diplomas are to be conferred and certificates are to be granted and other academic distinctions or titles and also to withdraw or cancel such degrees, diplomas, certificates or other academic distinctions or titles of person;

(ii) sub-clause (vi) of this clause empowers the University to prescribe by regulations, the manner in which honorary degrees or other distinctions are to be conferred by the University;

(iii) sub-clause (xvii) of this clause empowers the University to prescribe by regulations, the fees and other charges to be fixed, demanded, received or recovered by the University;

(iv) sub-clause (xxv) of this clause empowers the University to prescribe by regulations, the manner in which the student shall be admitted to it for the courses offered by the University;

(v) sub-clause (xxvii) of this clause empowers the University to prescribe by regulations, the disciplinary measures to be taken against the employees of the University for the purpose of regulating and enforcing discipline among the employees;

(vi) sub-clause (xxx) of this clause empowers the Board, to prescribe by regulations, delegation of powers of the authorities or officers to any other authority or officer.

*Clause 8.-* Sub-clause (d) of this clause empowers the Board to prescribe by regulations, such other authorities to be the authorities of the University.

*Clause 9.-* Sub-clause (d) of this clause empowers the Board to prescribe by regulations such other persons to be the officers of the University.

*Clause 12.-* (i) Para (iii) of sub-clause (2) of this clause empowers the Board to make regulations; and

(ii) para (x) of sub-clause (2) of this clause empowers the Board by regulations to exercise such other powers and perform such other functions as may be conferred or imposed upon it.

*Clause 15.-* Sub-clause (iv) of this clause empowers such other powers and such other duties as may be conferred or imposed upon the Academic Council.

*Clause 17.-* Sub-clause (viii) of this clause empowers the Finance Committee by regulation to exercise such other powers and perform such other duties as may be conferred or imposed upon it.



*Clause 18.-* Sub-clause (f) of this clause empowers the Board to prescribe by regulations, the terms and conditions of service of the Vice-Chancellor.

*Clause 19.-* Para (iv) of sub-clause (2) of this clause empowers the Vice-Chancellor to exercise such other powers and perform such other duties as may be assigned to him by the regulations.

*Clause 20.-* (i) Sub-clause (1) of this clause empowers the Board to prescribe by regulations, the manner and terms and conditions, subject to which the Registrar shall be appointed by the University;

(ii) para (vi) of sub-clause (2) of this clause empowers the Registrar to exercise such other powers and perform such other duties as may be assigned to him by the regulations.

*Clause 21.-* Sub-clause (2) of this clause empowers the Board to prescribe by regulations, the powers and functions subject to which the Dean shall exercise powers and perform the functions.

*Clause 25.-* (i) Sub-clause (1) of this clause empowers the Board to prescribe by regulations the form and the manner in which proper account, other relevant records, annual statement of accounts, the income and expenditure account and the balance sheet shall be maintained and prepared respectively;

(ii) sub-clause (2) of this clause empowers the Board to prescribe by regulations, the manner of adoption of a proper system of internal checks and balances and controls by the University.

*Clause 26.-* Sub-clause (1) of this clause empowers the Board to prescribe by regulations, the manner and the conditions for constituting schemes of pension, provident fund and insurance for the officers, teachers and other employees of the University.

*Clause 32.-* Sub-clause (1) of this clause empowers the Board to make regulations for the administration and management of the affairs of the University and sub-clause (2) empowers the Board to make Regulations for all or any of the matters specified therein.

The delegation of legislative powers as aforesaid is necessary and of a normal character.

Dated the 17 th February, 2005.

**ANANDIBEN PATEL.**

By order and in the name of the Governor of Gujarat,

**S. S. PARMAR,**

Gandhinagar,

Secretary to the Government of Gujarat,

Dated the 17th February, 2005. Legislative and Parliamentary Affairs Department



सत्यमेव जयते

# The Gujarat Government Gazette

## EXTRAORDINARY

### PUBLISHED BY AUTHORITY

Vol. XLVI]

THURSDAY, FEBRUARY 24, 2005/PHALGUNA 5, 1926

Separate paging is given to this Part in order that it may be filed as a Separate Compilation

#### PART - V

**Bills introduced in the Gujarat Legislative Assembly.**

The following Bill which was introduced on the 24<sup>th</sup> February, 2005 by Dr. Mayaben Kodnani M.L.A. is published under rule 127-A of the Gujarat Legislative Assembly Rules for general information.

**GUJARAT BILL NO 14 OF 2005**

**THE GUJARAT RIGHT TO INFORMATION BILL, 2005**

#### **A BILL**

*to make provision for effectively securing and enforcing the right to information in the State of Gujarat and for matters connected therewith or incidental thereto*

*It is hereby enacted in the Fifty-Sixth Year of the Republic of India as follows:-*

Short title,  
extent and  
commencement.

1. (1) This Act may be called the Gujarat Right to Information Act, 2005
- (2) It extends to the whole of the State of Gujarat.
- (3) It shall come into force at once.

## Definitions

2. In this Act, Unless the context otherwise requires,
  - (1) "appellate authority" means the concerned Competent Authority mentioned in clause (3) and shall also include such officer or officers authorised by the concerned Competent authority to act as the Appellate Authority, by general or special order, for the purposes of this Act;
  - (2) "Committee" means the Committee constituted by the Government for the purpose of section 7(a), under the Chairmanship of the Additional Chief Secretary (Home) to the Government and other two members as may be specified by the Government by an order issued in this behalf;
  - (3) "Competent Authority" Means -
    - (i) the Head of every Administrative Department of the State Government;
    - (ii) the Administrative heads of the public and other authorities in the State;
    - (iii) the Registrar of Co-operative Societies for the Co-operative Societies registered under the Gujarat Co-operative Societies Act, 1961 Guj. X of 1962
    - (iv) the Registrar of Societies for the Societies registered under the Societies Registration Act, 1860. 21 of 1860
    - (v) the Charity Commissioner for Charity Commissioner's Office and the Public Trusts registered under the Bombay Public Trusts Act, 1950; Bom. XXIX of 1950
    - (vi) the Commissioner of Labour for the trade unions registered with him;
    - (vii) the Secretary of the Gujarat Public Service Commission for the administrative wing of the Gujarat Public Service Commission;
    - (viii) the Registrar of the Lokayukta and Upa-Lokayuktas for the administrative wing of the office of Lokayukta and Upa-Lokayuktas;
  - (4) "Government" means the Government of Gujarat.
  - (5) "Information" means information relating to any matter in respect of the affairs of the Government and of any public authority and includes a copy of any record in the form of a document, diskettes, floppy or any other electronic mode;
  - (6) "public authority" means any authority or body established or constituted by any Central or State law and includes any other body owned and controlled by the State or which receives any aid directly or indirectly by



the Government and shall include the bodies whose composition and administration are predominantly controlled by the Government or the functions of such body are of public nature or interest or on which office bearers are appointed by the Government.

*Explanation-* For the purpose of this clause the expression "aid" shall include Government aid in the form of Government land at concessional rates or any other monetary concessions like exemption from tax, etc., by Government as specified by Government, from time to time;

(7) "Public Information Officer" means an Officer designated by any Competent Authority under sub-section (1) of section 5 and shall include such Officer or Employee whose assistance has been taken by the Public Information Officer for the performance of his duties under this Act;

(8) "prescribed" means prescribed by rules made under this Act;

(9) "record" means and includes,

(i) any document, manuscript or file;

(ii) any microfilm, microfiche and facsimile copy of a document;

(iii) any reproduction of image or images embodied in such microfilm (whether enlarged or not); and

(iv) any other material produced by a computer or by any other device;

(10) "State" means the State of Gujarat.

3. Subject to the provisions of this Act, every citizen shall have the right to get information.

Right to  
information

4. Every Competent Authority shall

Obligation on  
Public  
authorities

(a) maintain all its records, in such manner and form, as is consistent with its operational requirements duly catalogued and indexed;

(b) publish in the manner prescribed, from time to time,

(i) the particulars of its organization, functions and duties;

(ii) the powers and duties of its officers and employees and the procedure to be followed by them in decision making process;

(iii) the norms set by the public authority for the discharge of its function;

(iv) the rules, regulations, instructions, manuals, government resolutions, orders and guidelines and the list of record in the office, which can be made available to the citizens;

(v) the details of facilities available to citizens for obtaining information;

(vi) the name, designation and other particulars of the Public Information Officer; and

(vii) such additional information as may be prescribed by the Competent Authority concerned, from time to time;



(c) publish all relevant facts concerning important decisions whether administrative or quasi-judicial and policies that affect the public while announcing such decisions and policies;

(d) before initiating any project, publish or communicate to the public generally and to the persons affected by the project in particular, the facts available to it or to which it has reasonable access and which in its opinion should be known to the affected persons.

**Appointment of public information officers.**

5. (1) Every Competent Authority shall for the purposes of this Act, designate one or more officers as Public Information Officer in all administrative units and offices under such authority.

(2) Every Public Information Officer shall deal with a request for information and shall render reasonable assistance to any person seeking such information.

(3) The Public Information officer may seek the assistance of any other Officer or Employee as he considers necessary for the proper discharge of duties.

(4) Any officer or Employee whose assistance has been sought under sub section(3), shall render all assistance to the Public Information Officer seeking his assistance.

**Procedure of getting information**

6. (1) A person desirous of obtaining information shall make an application to the Public Information Officer in the prescribed manner along with such fees, in such form and with such particulars, as may be prescribed.

(2) On receipt of an application requesting for information under sub-section (1) , the Public Information Officer shall, as expeditiously as possible and in any case, not later than fifteen working days from the date of receipt of the application, either provide the information as requested or reject the request for any of the reasons specified under the provisions of this Act:

Provide that, in a suitable case for the reasons to be recorded and communicated to the applicant, the time limit may be extended by another fifteen working days:

Provided further that, where it is decided to provided the information on payment of any additional fees than the fees prescribed representing the cost of providing the necessary information, the Public Information Officer shall send an intimation to the applicant giving the details of the additional fees determined by him, requesting him to deposit the additional fees and the period intervening the dispatch of the said intimation and payment of such additional fees, if any, shall be excluded for the purpose of calculating the period of fifteen working days or the additional period of fifteen days, as the case may be, referred to in this sub-section:

Provided also that, the fees prescribed or the additional fees payable, as the case may be, shall not exceed the actual cost of supplying the information.

(3) Where a request is rejected under sub-section (2), the Public Information Officer shall communicate in writing to the person making the request,-----

- (i) the reasons for such rejection;
- (ii) the period within which an appeal, against such rejection may be preferred and
- (iii) the officer or authority before whom the appeal shall be preferred by the applicant.

(4) The information shall be provided in the language and in the form in which it is maintained by the public authority.

(5) Whenever and wherever the information applied for, involves the life and liberty of a person, such information shall, subject to the provisions of section 7, be supplied to the applicant within twenty-four hours of the receipt of the application.

7. Notwithstanding anything contained in this Act, no person shall be given the,

Exemption from disclosure of information

(a) information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security or interests of the State, relation with foreign State or lead to incitement of an offence:

Provided that whenever any information sought is to be withheld on the aforementioned grounds, the request for such information shall forthwith be put up by the Public Information Officer through the competent Authority to the Committee for consideration and decision:

Provided further that, the Public Information Officer shall, after obtaining the approval from such Committee for rejection of the request, while communicating such rejection to the applicant mentioned that such rejection is with the approval of the Committee;

(b) information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court;

(c) Information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;

(d) Information including commercial confidence, trades secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the Competent Authority is satisfied that larger public interest warrants the disclosure of such information;

(e) Information available to a person in his fiduciary relationship, unless the Competent Authority is satisfied that the larger public interest warrants the disclosure of such information:

(f) information pertaining to service record of a person:

(g) Information received in confidence from foreign government or international Organization.

(h) Information the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes.

(i) Information, the disclosure of which is prohibited under the provisions of the Official Secrets Act, 1923;

(j) Information, which would impede the process of investigation or apprehension or prosecution of offenders; and

(k) Information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Competent Authority is satisfied that the larger public interest justifies the disclosure of such information.

Grounds for refusal to supply of information in certain cases:

8. Without prejudice to the provisions of section 7, the Public Information Officer may also reject the request for supply of information where, -

(a) the information is already published in the Official Gazette or otherwise, and is available to public or is of such a nature that the volume of information required to be retrieved or processed, would involve disproportionate diversion of the resources of a public authority;

Provided that, where such request is rejected on the aforesaid ground, it shall be the duty of the Public Information Officer to render help, as far as possible, to the person seeking information to reframe the request in such a manner as may facilitate the supply of information;

(b) it relates to information that is required by law, rules, regulations or order to be published at a particular time.

Other information

9. (1) Without prejudice to the provisions of section 7, -----

(a) the information pertaining to decision making in a case, shall be made available to any applicant after the decision has been taken or deemed to have been taken in such case and the matter is complete or over;

(b) any information relating to any occurrence, event or matter which has taken place, occurred or happened fifteen years before the date on which any request is made under sub-section(1) of section 6, shall be provided to any person making such request.

(2) Any information which cannot be withheld from the Parliament and the State-Legislature shall necessarily be made available to the applicant under the provisions of this Act;

Severability.

10. No request for an information shall be totally rejected on the ground that it is in relation to an information or record which is exempted from the disclosure, if, it is possible to give that information from the part of the record which does not contain any information that is exempted from disclosure under this Act, and which can reasonably be severed from any part



of the record that contains the exempted information.

11. (1) (i) any person aggrieved by an order of the Public Information Officer may, within thirty days from the date of receipt of such order; or Appeals

(ii) any person who has not received any communication within the period of fifteen working days as specified in sub-section (2) of section 6 or the extended period as specified in the second proviso to the said sub-section (2) from the date of making such application, may appeal to the appellate authority, within a period of thirty days of the lapse of such period in such form and with such fees, as may be prescribed:

Provided that, when the order of the Public Information officer is passed under clause (a) of section 7 with the approval of the Committee referred to in the proviso to the said clause (a), the appeal against such order shall lie only to the Lokayukta or Upa-Lokayuktas.

(2) The appellate authority may, after giving the person or persons affected a reasonable opportunity of being heard, pass such order as it deems fit.

(3) Any person aggrieved by the order of the appellate authority under sub-section (2) may within thirty days from the receipt of such order, prefer second appeal to the Lokayukta or Upa-Lokayuktas, as the case may be of the State.

(4) The appeals referred to in sub-sections (1) and (3) shall, as far as possible be disposed of within thirty days of the receipt of such appeals or within such extended period not exceeding a further period of thirty days, after recording the reasons for such extension of period.

(5) The decision of the Lokayukta or Upa-Lokayuktas, as the case maybe, in appeals shall be final.

12. (1) Where any Public Information Officer has without any reasonable cause, failed to supply the information sought, within the period specified under sub-section (2) of section 6, the appellate authority may, in appeal impose a penalty of rupees two hundred fifty, for each day's delay in furnishing the information, after giving such Public Information Officer a reasonable opportunity of being heard. Penalty

(2) Where it is found in appeal that any Public Information Officer has knowingly given, -----

(a) incorrect or misleading information, or

(b) wrong or incomplete information,

the appellate authority may impose a penalty not exceeding rupees two thousand, on such Public Information Officer as it thinks appropriate after giving such officer a reasonable opportunity of being heard.

(3) An appeal shall lie against the order of the appellate authority, with the Lokayukta or Upa-Lokayuktas, and the provisions of sub-sections (3), (4), and (5) of section 11 shall mutatis mutandis apply to such appeal.

(4) The penalty under sub-sections (1) and (2) as imposed by the appellate authority, shall be recoverable from the salary of the Public



Information Officer concerned, or if no salary is drawn, as an arrears of land revenue.

(5) The Public Information Officer on whom the penalty under sub-section (1) and (2) is imposed shall also be liable to appropriate disciplinary action under the service rules applicable to him.

**Construction of Council**

13. (1) The Government shall set up a Council for monitoring the working of this Act, at the State level under the Chairmanship of the Chief Secretary, or any Additional Chief Secretary and for every Revenue Division, under the Chairmanship of the Concerned Divisional Commissioner. Such Council shall generally comprise such members who are the persons of repute and standing in society including representatives, of media and non-government organizations, and academicians, as may be prescribed.

(2) The Councils may take review of the working of the Act, not less than once in six months and make suitable recommendations to the Government.

**Construction of Commission of Records**

14. (1) The Government shall set up a Commission of Records comprising the representatives of the Government, persons of reputed and standing in society including academicians, as may be prescribed. It shall be the duty of the Commission of Records to advise the Government on release of the old record for being made available for public information.

(2) The decision of the Commission of Records shall be binding on the Government and it shall be implemented within three months unless the Government, for reasons to be recorded decided to overrule the decision of the commission.

(3) In each such case of overruling of the decision of the Commission of Records the Government shall lay a statement on the table of the State Legislature at the earliest.

**Protection of action taken in good faith.**

15. No suit, prosecution or other legal proceeding shall lie against any Government servant or officer for anything done or purported to have been done in good faith in pursuance of the provisions of this Act, or the rules made thereunder.

**Bar of jurisdiction of courts.**

16. No court shall entertain any suit, application or other proceeding in respect of any order made under this Act and no such order shall be called in question otherwise than by way of an appeal under this Act.

**Act to have overriding effect**

17. The provisions of this Act, shall have effect notwithstanding anything inconsistent therewith contained in any other law made by the State Legislature or any rules, regulations or order made thereunder.

**Power to make rules.**

18. (1) The State Government may, by notification in the Official Gazzete, make rules to carry out the purpose of this Act.

(2) Except when the rules are made for the first time, all rules made under this Act shall be subject to the condition of previous publication.

(3) Every rule made under this Act shall be laid, as soon as may be, after it is made, before the State Legislature, while in session for a total period of

thirty days, which may be comprised in one session or in two or total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following Legislative agrees in making any modification in rule or Legislative agrees that the rule should not be made, and notify their decision to the effect in the Official Gazette, the rule shall, from the date of publication of such decision in the Official Gazette, have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

19. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion arises, by an order published in the Official Gazette, do anything, not inconsistent with the provisions of this Act, which appears to it to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be, after it is made, before, the State Legislature.

**STATEMENT OF OBJECTIVE AND REASONS**

The right to information has been recognized by the Supreme Court as a part of the fundamental rights guaranteed to the citizen under Article 19(1) of the Constitution of India. It is expedient to make provision for effectively securing and enforcing the right to information in the State of Gujarat. The right of information is the bed-rock of democracy and can pave the way for transparency, openness and accountability in governance of the affairs of the State and ensure effective participation of the people in a democratic society.

The scope of the law has been made quite wide and all the public offices in the State including the Administrative Departments of the State, public and other authorities in the State, the Gujarat Public Service Commission, the Registrar of Co-operative Societies and societies registered under the Societies Registration Act have also been brought within the purview of the proposed law. It also contains other important provisions like imposition of penalty on the Public Information Officer for failing to supply the correct information on time or knowingly giving incorrect or misleading information, right of second Appeal to the Lokayukta or Upa-Lokayuktas, constitution of the Council for review of the working of the Act, and of Commission of Records to advise the Government to release the record for making available to public for information, etc.

Hence, this Bill.

Gandhinagar  
Dated the 27th January, 2005

**Dr. MAYABEN KODNANI**  
**M.L.A.**

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

The Bill involves the following proposals for delegation of legislative power, namely; --

Clause 2(2) - This clause empowers the State Government, to Constitute, by an order, a Committee for the purpose of Section 7(a), under the Chairmanship of Additional Chief Secretary (Home) to the Government and two other members.

Clause 13 - This clause empowers the State Government to prescribe the members comprising the council.

Clause 14 - This Clause empower the State Government to set up commission of records comprising such representatives of Government or persons as may be prescribed.

Clause 18 - This clause empowers the State Government to make rules, by notification in the Official Gazette, and subject to condition of previous publication, for carrying out the purpose of the Act.

Clause 19 - This clause empowers the State Government, to issue an order for the removal of difficulty in giving effect to the provisions of the Act.

2. The above mentioned delegation of legislative power is of normal character.

Gandhinagar

Dated the 27th January, 2005

**Dr. MAYABEN KODNANI**

**M.L.A.**

**FINANCIAL MEMORANDUM**

Clause 13 and 14 of the Bill provide, for the constitution of the Council and the Commission of Records by the Government, respectively. The expenditure towards the constitution of the Council and the Commission of Records and to pay the allowances to the members will be defrayed out of the Consolidated Fund of the State. Since the number of members of the Council and the Commission is to be prescribed by rules of it is not possible at this stage to estimate the amount to be paid by way of allowances to them.

Gandhinagar

Dated the 27th January, 2005

**Dr. MAYABEN KODNANI**

**M.L.A.**

Gandhinagar

Dated the 24th February, 2005

**D. M. PATEL**

Secretary

Gujarat Legislative Assembly





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# The Gujarat Government Gazette

EXTRAORDINARY  
PUBLISHED BY AUTHORITY

Vol. XLVI] THURSDAY, FEBRUARY 24, 2005/PHALGUNA 5, 1926

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

## PART V

Bills introduced in the Gujarat Legislative Assembly.

The following Bill which was introduced on the 24th February, 2005 by Shri Dhansukhbhai Patel M.L.A. is published under rule 127-A of the Gujarat Legislative Assembly Rules for general information.

### GUJARAT BILL NO. 15 OF 2005.

#### THE BOMBAY RENTS, HOTEL AND LODGING HOUSE RATES CONTROL (GUJARAT AMENDMENT) BILL, 2005.

#### A BILL

*further to amend the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 in its application to the State of Gujarat.*

It is hereby enacted in the Fifth Sixth Year of the Republic of India as Follows: -

1(1) This Act may be called the Bombay Rents, Hotel and Lodging House Rates Control (Gujarat Amendment) Act, 2005.

(2) It shall come in to force at once.

Short title  
and  
commencement.

Insertion of  
new section  
in Bom.  
LVII of  
1947.

2. (1) In the Bombay Rents, Hotel and Lodging House Rates Control Act, Bom.LVII  
1947, after Section 13AA, the following new section shall be inserted, of 1947.  
namely-

Special right  
of the owner,  
his widow  
or heirs to  
recover  
possession  
required for  
their  
occupation.

"13AAA (1) Notwithstanding anything to the Contrary in this Act or  
in any contract, a specified landlord shall be entitled to recover from his  
tenant the possession of any premises owned by him or any member of his  
family, on the ground that-

(a) such premises are bonafied and immediately required by him for  
occupation by himself or his family member either in the case of marriage  
or separation from the joint family or for separate living by him or any  
member of his family for any other reason.

(b) he does not possess any other premises suitable for residence in  
the local area where the premises are situated.

(2) on receipt of an application made by the owner under sub-section  
(1), the competent authority shall, after giving a three months notice to the  
tenant for eviction of the premises, make an order of eviction".

### STATEMENT OF OBJECTS AND REASONS

Under the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 the tenant has been given right to occupy the premise of a landlord so long he desires to occupy it. The landlords in ordinary cases build a premise for his own use or for the use of his spouse, son or daughter in future or after a lapse of some time it becomes convenient to him his spouse or son or daughter. It always happens that tenant when in need approaches the landlord for the use or occupation of the premise for sometime with a promise to evict or vacate the premise whenever the landlord needs or wishes. But in most of the cases the tenants do not keep their promise and taking the shelter under the provisions of the aforesaid Act, occupies the premise with a mala-fide intention of not vacating the premise in future under any circumstances. Most probably it happens that the tenant, when vacating the premise demands for a paghadi (an exorbitant amount for vacating the premise) and the landlord is put to an unbearable hardship. Medium class people or a common man builds a premise with a view to use his premises whenever the need arises and with an intention to pass his life in his own premise. He lets his premise to the tenant in the aforesaid circumstances with a clear understanding to vacate when he requires it in future. But he cannot recover the possession of his own premise when he requires it or when the premise is required for the use of his spouse, son or daughter or for personal use for the reasons either of marriage or separation from joint family or for any other reason. This Bill, therefore, seeks to provide for the protection to the landlord especially the medium class people at the time of their requirement in the aforesaid circumstances to recover the possession from the tenant and live peacefully in his own premise.

Hence this bill.

Dated the 1st February, 2005.  
Gandhinagar.

**Dhansukhbhai Patel**  
M.L.A.

Gandhinagar,  
Dated the 24th February, 2005.

**D. M. PATEL,**  
Secretary,  
Gujarat Legislative Assembly.



# The Gujarat Government Gazette

## EXTRAORDINARY

### PUBLISHED BY AUTHORITY

Vol : XLVII] FRIDAY, FEBRUARY 25, 2005/PHALGUNA 6, 1926

Separate paging is given to this Part in order that it may be filed as a Separate Compilation

#### PART V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the GUJARAT GOVERNMENT GAZETTE. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

#### THE GUJARAT (SUPPLEMENTARY) APPROPRIATION BILL, 2005. GUJARAT BILL NO. 16 OF 2005.

##### A BILL

*to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Gujarat for the services of the financial year ending on the thirty-first day of March, 2006.*

It is hereby enacted in the Fifty-sixth Year of the Republic of India as follows :-

1. This Act may be called the Gujarat Supplementary Appropriation Act, 2005.

Short title.

2. From and out of the Consolidated Fund of the State of Gujarat, there shall be paid and applied sums not exceeding those specified in column 3 of the Schedule hereto annexed amounting in the aggregate to the sum of nine thousand seven hundred forty-seven crores, forty-five lakhs fifty-nine thousand rupees towards defraying the several charges which will come in course of payment during the financial year ending on the thirty-first day of March, 2005 in respect of the services and purposes specified in column 2 of the Schedule.

Issue of  
Rs. 97,47,45,59,000  
from and out of the  
Consolidated  
Fund of the  
State of Gujarat  
for the financial  
year 2004-2005.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

Appropriation.



SCHEDULE					
(See sections 2 and 3)					
No. of Vote / Appropriation	Services and Purposes		Sum not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2		3		
			Rs.	Rs.	Rs.
1	Agriculture and Co-operation Department	Revenue	7,59,000	-	7,59,000
2	Agriculture	Revenue	43,01,73,000	1,03,000	43,02,76,000
		Capital	54,50,000	-	54,50,000
3	Minor Irrigation, Soil Conservation and Area Development	Revenue	12,50,00,000	-	12,50,00,000
4	Animal Husbandry and Dairy Development	Revenue	4,80,93,000	-	4,80,93,000
		Capital	34,20,000	-	34,20,000
5	Co-operation	Revenue	1,62,62,000	-	1,62,62,000
6	Other expenditure pertaining to Agriculture and Co-operation Department	Revenue	-	47,000	47,000
7	Education Department	Revenue	3,12,000	-	3,12,000
8	Education	Revenue	3,88,58,54,000	72,23,000	3,89,30,77,000
10	Energy and Petro-Chemicals Department	Revenue	5,58,000	-	5,58,000
11	Tax Collection Charges (Energy and Petro-Chemicals Department)	Revenue	-	15,000	15,000
12	Energy Projects	Revenue	4,90,28,75,000	-	4,90,28,75,000
		Capital	1,72,86,75,000	-	1,72,86,75,000
14	Finance Department	Revenue	1,000	-	1,000
15	Tax Collection Charges (Finance Department)	Revenue	69,53,000	-	69,53,000
16	Treasury and Accounts Administration	Revenue	-	12,000	12,000
17	Pension and other Retirement Benefits	Revenue	53,85,25,000	-	53,85,25,000
18	Other expenditure pertaining to Finance Department	Revenue	1,08,20,82,000	-	1,08,20,82,000
19	Repayment of debt pertaining to Finance Department and its servicing	Revenue	-	1,54,50,86,000	1,54,50,86,000
		Capital	-	51,51,91,77,000	51,51,91,77,000

1	2		3		
			Rs.	Rs.	Rs.
21	Civil Supplies	Revenue	64,36,05,000	-	64,36,05,000
22	Food	Revenue	34,43,000	-	34,43,000
25	Forests	Revenue	1,65,00,000	4,91,000	1,69,91,000
		Capital	53,20,000	-	53,20,000
32	General Administration Department	Revenue	2,000	-	2,000
33	Economic Advice & Statistics	Revenue	7,99,000	-	7,99,000
34	Other expenditure pertaining to General Administration Department	Revenue	93,39,000	6,000	93,45,000
38	Medical and Public Health	Revenue	34,87,08,000	50,000	34,87,58,000
40	Other expenditure pertaining to Health and Family Welfare Department	Revenue	-	17,000	17,000
41	Home Department	Revenue	16,65,000	-	16,65,000
42	Police	Revenue	16,60,64,000	-	16,60,64,000
43	Jails	Revenue	25,75,000	-	25,75,000
44	Transport	Revenue	1,43,22,25,000	-	1,43,22,25,000
		Capital	50,00,00,000	-	50,00,00,000
46	Other expenditure pertaining to Home Department	Capital	41,74,18,000	-	41,74,18,000
49	Industries	Revenue	2,000	-	2,000
		Capital	1,21,73,00,000	-	1,21,73,00,000
50	Mines and Minerals	Revenue	3,00,00,000	-	3,00,00,000
52	Other expenditure pertaining to Industries and Mines Department	Revenue	-	13,14,000	13,14,000
53	Information and Broadcasting Department	Revenue	3,35,000	-	3,35,000
55	Other expenditure pertaining to Information and Broadcasting Department	Revenue	7,05,000	-	7,05,000
57	Labour and Employment	Revenue	4,88,49,000	-	4,88,49,000
59	Legal Department	Revenue	24,91,000	-	24,91,000
60	Administration of Justice	Revenue	1,30,76,000	-	1,30,76,000
61	Other expenditure pertaining to Legal Department	Revenue	3,75,000	-	3,75,000
		Capital	4,18,64,000	-	4,18,64,000
62	Legislative and Parliamentary Affairs Department	Revenue	1,000	-	1,000

1	2		3		
			Rs.	Rs.	Rs.
65	Narmada Development Scheme	Capital	12,05,40,08,000	1,000	12,05,40,09,000
66	Irrigation and Soil Conservation	Revenue	22,64,12,000	21,16,000	22,85,28,000
		Capital	-	32,95,000	32,95,000
67	Water Supply	Capital	15,39,000	-	15,39,000
68	Other expenditure pertaining to Narmada, Water Resources, Water Supply and Kalpsar Department	Revenue	-	33,91,000	33,91,000
70	Community Development	Revenue	54,33,21,000	-	54,33,21,000
71	Rural Housing and Rural Development	Revenue	1,000	11,38,78,000	11,38,79,000
72	Compensation and Assignments	Revenue	8,51,36,000	-	8,51,36,000
73	Other expenditure pertaining to Panchayats, Rural Housing and Rural Development Department	Revenue	18,75,67,000	-	18,75,67,000
		Capital	2,94,38,000	-	2,94,38,000
74	Fisheries	Revenue	10,60,31,000	-	10,60,31,000
		Capital	7,99,70,000	-	7,99,70,000
76	Revenue Department	Revenue	1,000	-	1,000
77	Tax Collection Charges (Revenue Department)	Revenue	3,66,92,000	-	3,66,92,000
78	District Administration	Revenue	27,05,61,000	-	27,05,61,000
80	Dangs District	Revenue	1,12,75,000	-	1,12,75,000
81	Compensation and Assignments	Revenue	40,00,00,000	9,000	40,00,09,000
82	Other expenditure pertaining to Revenue Department	Revenue	1,10,01,000	-	1,10,01,000
84	Non-Residential Buildings	Revenue	11,15,20,000	5,96,000	11,21,16,000
		Capital	3,49,57,000	-	3,49,57,000
85	Residential Buildings	Revenue	2,54,65,000	16,000	2,54,81,000
		Capital	-	71,000	71,000
86	Roads and Bridges	Revenue	82,35,02,000	7,23,000	82,42,25,000
		Capital	3,48,04,58,000	66,27,000	3,48,70,85,000
87	Gujarat Capital Construction Scheme	Capital	1,000	-	1,000
88	Other expenditure pertaining to Roads and Buildings Department	Revenue	94,70,000	1,10,39,000	2,05,09,000
90	Other expenditure pertaining to Science and Technology Department	Revenue	16,00,00,000	-	16,00,00,000

1	2		3		
			Rs.	Rs.	Rs.
92	Social Security and Welfare	Revenue	1,43,07,35,000	16,00,000	1,43,23,35,000
93	Welfare of Scheduled Tribes	Revenue	14,61,72,000	-	14,61,72,000
95	Special Component Plan for Scheduled Castes	Revenue	26,51,70,000	-	26,51,70,000
96	Tribal Area Sub-Plan	Revenue	1,31,22,78,000	68,07,000	1,31,90,85,000
		Capital	33,57,29,000	34,59,000	33,91,88,000
98	Youth Services and Cultural Activities	Revenue	6,00,13,000	-	6,00,13,000
99	Other expenditure pertaining to Sports, Youth and Cultural Activities Department	Capital	1,33,43,000	-	1,33,43,000
100	Urban Development and Urban Housing Department	Revenue	2,70,000	-	2,70,000
102	Urban Development	Revenue	3,85,94,51,000	-	3,85,94,51,000
103	Compensation, Assignments and Tax Collection Charges	Revenue	32,53,67,000	7,30,00,000	39,83,67,000
105	Women and Child Development Department	Revenue	8,00,000	-	8,00,000
106	Other Expenditure pertaining to Women and Child Development Department	Revenue	5,90,83,000	-	5,90,83,000
Total:		Revenue	24,22,55,00,000	1,76,75,39,000	25,99,30,39,000
		Capital	19,94,88,90,000	51,53,26,30,000	71,48,15,20,000
Grand Total:-			44,17,43,90,000	53,30,01,69,000	97,47,45,59,000



**STATEMENT OF OBJECTS AND REASONS**

This Bill introduced in pursuance of article 204 of the Constitution of India read with article 205 thereof, to provide for the appropriation out of the Consolidated Fund of the State of Gujarat of the moneys required to meet the supplementary expenditure on certain services and purposes in relation to the financial year ending on the thirty-first day March, 2005.

The amounts are shown below :-	Rs.
(a) Revenue Expenditure.....	25,99,30,39,000
(b) Capital Expenditure .....	71,48,15,20,000
Total :-	<hr/> 97,47,45,59,000 <hr/>

Dated the 24th February, 2005.

**VAJUBHAI VALA.**

By order and in the name of the Governor of Gujarat,

Gandhinagar

Dated the 25th February, 2005.

**S. S. PARMAR,**

Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

Government Central Press, Gandhinagar.



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# The Gujarat Government Gazette

## EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XLVI]

THURSDAY, MARCH 3, 2005/PHALGUNA 12, 1926

Separate paging is given to this Part in order that it may be filed as a Separate Compilation

### PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

### THE GUJARAT LOCAL AUTHORITIES LAWS (AMENDMENT) BILL, 2005.

GUJARAT BILL NO. 17 OF 2005.

#### A BILL

*further to amend the Bombay Provincial Municipal Corporations Act, 1949, the Gujarat Municipalities Act, 1963 and the Gujarat Panchayats Act, 1993.*

It is hereby enacted in the Fifty-sixth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Local Authorities Laws (Amendment) Act, 2005.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Short title  
and  
commence  
ment.

Amendment  
of section 10  
of Bom.LIX of  
1949.

2. In the Bombay Provincial Municipal Corporations Act, 1949, in section 10, in sub-section (1), after clause (i), the following clause shall be inserted, namely:-

Bom. LIX  
of 1949.

"(j) has more than two children:

Provided that a person having more than two children on the date of commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2005 (hereinafter in this clause referred to as "the date of such commencement"), shall not be disqualified under this clause so long as the number of children he had on the date of such commencement does not increase:

Guj. ....of  
2005.

Provided further that a child or more than one child born in a single delivery within the period of one year from the date of such commencement shall not be taken into consideration for the purpose of disqualification under this clause.

*Explanation* .- For the purpose of this clause,-

(i) where a couple has only one child on or after the date of such commencement, any number of children born out of single subsequent delivery shall be deemed to be one entity;

(ii) 'child' does not include an adopted child or children."

Amendment of  
section 11 of  
Guj. 34 of 1964.

3. In the Gujarat Municipalities Act, 1963, in section 11, in sub-section (1), after clause (g), the following clause shall be inserted, namely:-

Guj 34 of  
1964.

"(h) who has more than two children:

Provided that a person having more than two children on the date of commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2005 (hereinafter in this clause referred to as "the date of such commencement"), shall not be disqualified under this clause, so long as the number of children he had on the date of such commencement does not increase:

Guj. .... of  
2005.

Provided further that a child or more than one child born in a single delivery within the period of one year from the date of such commencement shall not be taken into consideration for the purpose of disqualification under this clause.

**Explanation .-** For the purpose of this clause,-

(i) where a couple has only one child on or after the date of such commencement, any number of children born out of single subsequent delivery shall be deemed to be one entity;

(ii) 'child' does not include an adopted child or children."

Guj. 18 of 1993.

4. In the Gujarat Panchayats Act, 1993, in section 30, in sub-section (1), after clause (l), the following clause shall be inserted, namely:-

Amendment of section 30 of Guj. 18 of 1993.

"(m) has more than two children:

Guj. ... of 2005.

Provided that a person having more than two children on the date of commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2005 (hereinafter in this clause referred to as "the date of such commencement"), shall not be disqualified under this clause so long as the number of children he had on the date of such commencement does not increase:

Provided further that a child or more than one child born in a single delivery within the period of one year from the date of such commencement shall not be taken into consideration for the purpose of disqualification under this clause.

**Explanation.-** For the purpose of this clause,-

(i) where a couple has only one child on or after the date of such commencement, any number of children born out of single subsequent delivery shall be deemed to be one entity;

(ii) 'child' does not include an adopted child or children."



**STATEMENT OF OBJECTS AND REASONS**

The growth of the population in India is alarming. In order to stabilize the rapid growth of population, it is considered necessary to amend the local authorities laws so as to prevent a person having more than two children to be a member of Panchayat, or the Councilor of Municipality or of a Municipal Corporation. This is an important step towards the implementation of national population policy. Since the proposed legislation has prospective effect, a provision has been made to the effect that a person having more than two children prior to the commencement of the proposed amendment would be saved from incurring such disqualification.

This Bill seeks to amend the Bombay Provincial Municipal Corporations Act, 1949, the Gujarat Municipalities Act, 1963 and the Gujarat Panchayats Act, 1993, to achieve the aforesaid object.

**INDRAVIJAYSINH JADEJA**

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

This Bill involves delegation of legislative power in the following respect :-

*Clause 1.-* Sub-clause (2) of this clause empowers the State Government to appoint by notification in the *Official Gszette*, the date on which the Act shall come into force.

The delegation of legislative power as aforesaid is necessary and is of a normal character.

Dated the 2nd March, 2005.

**INDRAVIJAYSINH JADEJA.**

By order and in the name of the Governor of Gujarat,

**S.S. PARMAR**

Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs  
Department. Assembly.

Gandhinagar,  
Dated the 3rd March, 2005.

Government Central Press, Gandhinagar.



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**The Gujarat Government Gazette**  
**EXTRAORDINARY**  
PUBLISHED BY AUTHORITY

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Vol. XLVI] FRIDAY, MARCH 4, 2005/PHALGUNA 13, 1926

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Separate paging is given to this Part in order that it may be filed as a Separate Compilation

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**PART - V**

**Bills introduced in the Gujarat Legislative Assembly.**

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

**THE BOMBAY INDUSTRIAL RELATIONS (GUJARAT  
AMENDMENT) BILL, 2005.**

**GUJARAT BILL NO. 18 OF 2005.**

***A BILL***

*further to amend the Bombay Industrial Relations Act, 1946.*

It is hereby enacted in the Fifty-sixth Year of the Republic of India  
as follows :-

1. This Act may be called the Bombay Industrial Relations (Gujarat Short title.  
Amendment) Act, 2005.

Amendment of  
section 2 of Bom.

XI of 1947.

2. In the Bombay Industrial Relations Act, 1946, in section 2, after sub-section (5), the following shall be added, namely :-

Bom. XI of 1947.

“(6) The State Government may, by notification in the *Official Gazette*, direct that the provisions of this Act shall cease to apply to such industry, in such area, and from such date, as may be specified in the said notification, and thereupon the provisions of section 7 of the Bombay General Clauses Act, 1904, shall apply to such cessor as if this Act had then been repealed in relation to the said industry in such area by the Gujarat Act.”

Bom. 1 of 1904.

**STATEMENT OF OBJECTS AND REASONS**

With a view to maintaining industrial peace and harmony in the State and to empower the State Government to grant exemption to any industry from the provisions of the Bombay Industrial Relations Act, 1946, it is considered necessary to amend the aforesaid Act to empower the State Government to grant exemption from all or any of the provisions of the said Act to such industry in such area and from such date as may be specified in the notification.

This Bill seeks to achieve the aforesaid object.

**RAMANLAL VORA**

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

This Bill involves the delegation of legislative power in the following respect :-

*Clause 2.-* Sub-section (6) proposed to be added in section 2 by this clause empowers the State Government to grant exemption by notification in the *Official Gazette*, from the provisions of the Bombay Industrial Relations Act, 1946 to such industry, in such area and from such date as may be specified in the notification.

The delegation of legislative power as aforesaid is necessary and is of a normal character.

Dated the 3rd March, 2005.

**RAMANLAL VORA.**

By order and in the name of the Governor of Gujarat,

Gandhinagar,  
Dated the 4th March, 2005.

**S. S. PARMAR,**  
Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.





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# The Gujarat Government Gazette

## EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol : XLVI] SATURDAY MARCH 5, 2005/PHALGUNA 14, 1926

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

### PART V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the Gujarat Government Gazette. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

#### THE GUJARAT MARITIME BOARD (AMENDMENT AND VALIDATION) BILL, 2005.

GUJARAT BILL NO. 19 OF 2005.

#### A BILL

*further to amend the Gujarat Maritime Board Act, 1981 and to validate the levy and collection of the waterfront royalty*

It is hereby enacted in the Fifty-sixth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Maritime Board (Amendment and Validation) Act, 2005. Short title and commencement.
- (2) It shall be deemed to have come into force on the 1<sup>st</sup> April, 1999.

Insertion of  
new section  
22A in Guj. 30  
of 1981.

2. In the Gujarat Maritime Board Act, 1981 (hereinafter referred to as "the principal Act"), after section 22, the following section shall be inserted, namely :-

Guj. 30 of  
1981.

Levy of  
waterfront  
royalty.

"22A. The State Government may levy waterfront royalty on the basis of per ton cargo handled at minor ports which are under administration, control and management of the Board, at such rate as the State Government may, by notification in the *Official Gazette*, fix and shall be payable to the State Government by the Board for the utilization of the State waterfront and such payment shall be deemed to be a part of the expenditure of the Board."

Amendment of  
section 74 of Guj.  
30 of 1981.

3. In the principal Act, in section 74, in sub-section (1), after clause (g), the following clause shall be inserted, namely :-

"(gg) the waterfront royalty payable to the State Government under section 22A;".

Validation.

4. (1) The royalty in whatever name levied, assessed and collected or purporting to have been levied, assessed or collected under the principal Act on the basis of per ton cargo handled at minor port on or after the 1<sup>st</sup> April, 1999 shall be and shall be deemed always to have been validly levied, assessed or collected in accordance with law as if the provisions of the principal Act, as amended by this Act, had been in force at all material times when such royalty was levied, assessed or collected and accordingly, -

(a) no suit, appeal, application or other proceedings shall be maintained or continued in any court or before any tribunal or authority whatsoever for the refund of the said royalty;

(b) no court, tribunal or other authority shall enforce any decree or order directing refund of the said royalty; and

(c) recoveries shall be made in accordance with the provisions of the principal Act as if said provisions had been in force at all material times.

(2) For the removal of doubt, it is hereby declared that nothing in sub-section (1) shall be construed as preventing any person -

(a) from questioning, in accordance with the provisions of the principal Act, as amended by this Act, the levy, assessment or collection of the aforesaid royalty, or

(b) from claiming, in accordance with the provisions of the principal Act, as amended by this Act, refund of the aforesaid royalty paid by him in excess of the amount due from him.

**STATEMENT OF OBJECTS AND REASONS**

The Gujarat Maritime Board Act, 1981 empowers the Gujarat Maritime Board to administer, control and manage the minor ports in the State. At present, the Board annually pays certain amount to the State Government for using the waterfront, but there is no clear provision in the Act to levy the royalty and to consider such sharing to be a part of the expenditure of the Board.

With a view to making a clear provision in the Act, it is considered necessary to amend the Act empowering the State Government to levy royalty for the use of waterfront by the Board and to treat the amount so payable to the State Government as the expenditure on the Board.

This Bill seeks to amend the said Act with retrospective effect and also to validate the past action.

**INDRAVIJAYSINH JADEJA**

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

This Bill involves delegation of legislative power in the following respect :-

*Clause 2.-* New section 22A proposed to be inserted by this clause empowers the State Government to fix the rate of waterfront royalty per ton cargo handled at minor ports, by notification in the *Official Gazette*.

The delegation of legislative power as aforesaid is necessary and is of a normal character.

Dated the 4th March, 2005.

**INDRAVIJAYSINH JADEJA.**

By order and in the name of the Governor of Gujarat,

Gandhinagar

**S. S. PARMAR,**

Dated the 5th March, 2005.

Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

**Government Central Press, Gandhinagar.**



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# The Gujarat Government Gazette

## EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XLVI]

WEDNESDAY, MARCH 9, 2005/PHALGUNA 18, 1926

Separate paging is given to this Part in order that it may be filed as a Separate Compilation

### PART - V

**Bills introduced in the Gujarat Legislative Assembly.**

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

### THE GANPAT UNIVERSITY BILL, 2005.

GUJARAT BILL NO. 20 OF 2005.

### A BILL

*to provide for the establishment of the Ganpat University, Kherva, District Mehsana, Gujarat by law and to confer the status of a non-affiliating University thereon and for matters connected therewith or incidental thereto.*

It is hereby enacted in the Fifty-sixth Year of the Republic of India as follows:-

### CHAPTER I PRELIMINARY

- (1) This Act may be called the Ganpat University Act, 2005.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Short title and  
commencement.



**Definitions.** 2. In this Act, unless the context otherwise requires, -

- (a) "Academic Council" means the Academic Council of the University constituted under section 14;
- (b) "Board" means the Board of Governors of the University constituted under section 10;
- (c) "Chairman" means the Chairman of the Board appointed under section 11;
- (d) "Director" means the director of the University appointed under section 18;
- (e) "Deans" mean the Deans of the University appointed under section 21;
- (f) "Finance Committee" means Finance Committee of the University constituted under section 16;
- (g) "Foundation" means the Mehsana District Education Foundation, Kherva, Mehsana;
- (h) "Patron-in-Chief" means a pioneer donor of the foundation;
- (i) "President" means the President of the University appointed under section 7;
- (j) "Prescribed" means prescribed by the Regulations;
- (k) "Registrar" means Registrar of the University appointed under section 20;
- (l) "Regulations" means the Regulations of the University made under section 34;
- (m) "Trust" means the Mehsana District Education Foundation, Mehsana registered under the Bombay Public Trusts Act, <sup>Bom. 29 of 1950.</sup> 1950;
- (n) "University" means the Ganpat University, Kherva, District Mehsana, Gujarat, established and incorporated under section 3.

## CHAPTER II

### UNIVERSITY

Establishment  
and  
incorporation  
of University.

3. (1) There shall be established a University by the name of "the Ganpat University, Kherva, District Mehsana, Gujarat".

(2) The Patron-in-Chief, the President, the Board, the Academic Council, the Director, the Deans, the Registrar and all other persons who may hereafter become such officers or members so long as they continue to hold such office or membership, are hereby constitute a body corporate by the name of "the Ganpat University, Kherva, District Mehsana, Gujarat".

(3) The University shall function as a non-affiliating University established under this Act and it shall not affiliate any other college or institute for the award/conferment of degree, diploma and certificate of its degree to the students admitted therein.

(4) The University shall not have any grant-in-aid or other financial assistance from the Central Government, any State Government, University Grants Commission, All India Council for Technical Education or any other authority or institutions of the Central Government or any State Government.

(5) The University shall be a body corporate by the name aforesaid, having perpetual succession and common seal with power, subject to the provision of this Act, to acquire and hold property, to contract and shall, by the said name, sue and be sued.

(6) The headquarters of the University shall be at the Ganpat Vidyanagar, Kherva, District Mehsana.

4. The objects of the University shall be to develop the knowledge of science, technology, dental, medical, paramedical, physiotherapy, pharmacy, commerce, management and humanities for the advancement of mankind. The objects of the University shall be as follows, namely:-

Objects of  
University.

- (i) to disseminate, create and preserve knowledge and understanding by teaching, research, training and extension activities by effective demonstration and influence of its corporate life on society in general;
- (ii) to create centres of excellence for providing knowledge, education, training and research facilities of high order in the field of science, technology, dental, medical, physiotherapy, paramedical, pharmacy, commerce, management, humanistic and other related professional education as per its current status and such other matters as may develop in future, including continuing education and distance learning;
- (iii) to develop patterns of teaching for a Certificate or Diploma Courses, Undergraduate, and Post-graduate courses and at Doctoral level and to maintain a high standard of education, its applications; to create capabilities for upgrading science and technology, dental, medical, physiotherapy, paramedical, pharmacy, commerce, management, humanistic courses;
- (iv) to develop training facilities and to make arrangements for training in higher education, professional education, and allied fields, to provide for inter-relationship for national and international participation, in the field of science and technology, dental, medical, physiotherapy, paramedical, pharmacy, commerce, management, and its allied fields;

- (v) to function as a learning resource centre;
- (vi) to establish close linkage with the industry to make teaching, research and training at the University, relevant to the needs of the society, at national and international level.

University  
open to all  
irrespective  
of sex,  
religion,  
class, creed  
or opinion.

5. (1) No person shall be excluded from any office of the University or from membership of any of its authorities or from admission to any degree, diploma or other academic distinction or course of study on the sole ground of sex, race, creed, caste, class, place of birth, religious belief or political or other opinion.

(2) It shall not be lawful for the University to impose on any person any test whatsoever relating to sex, race, creed, caste, class, place, of birth, religious belief or political or other opinion in order to entitle him to be admitted as a teacher or a student or to hold any office or post in the University or to qualify for any degree, diploma, or other academic distinction or to enjoy or exercise any privilege of the University or any benefaction thereof.

Powers and  
functions of  
University.

6. The University shall exercise the following powers and perform the following functions, namely:-

- (i) to administer and manage the University and such centres for research, education and instruction as are necessary for the furtherance of the objects of the University;
- (ii) to provide for instruction, training, research advancement and dissemination in such branches of knowledge or learning pertaining to science, technology, dental, medial, physiotherapy, pharmacy, commerce, management, humanities and allied areas;
- (iii) to conduct innovative experiments in new teaching and learning methods and technologies in the above referred subjects in order to achieve international standards of such education, training and research;
- (iv) to prescribe courses and curricula and provide for flexibility in the education system and delivery methodologies including electronic and distance learning;
- (v) to hold examinations through electronic mode and confer degrees, diplomas or grant certificates, and other academic distinctions or titles on persons subject to such conditions as the University may determine, and to withdraw or cancel any such degrees, diplomas, certificates, or other academic distinctions or titles in the manner prescribed by the Regulations;



- (vi) to confer honorary degrees or other distinctions in the manner prescribed by the Regulations;
- (vii) to establish such special centres, specialized study centres or other units for research and instruction as are, in the opinion of the University, necessary for the furtherance of its objects;
- (viii) to provide for printing, reproduction and publication of research and other works and to organize exhibitions;
- (ix) to sponsor and undertake research in the different areas of science, technology, dental, medical, physiotherapy, pharmacy, commerce, management, and humanities;
- (x) to collaborate or associate with, advise, develop, maintain, or otherwise, any educational institution with like or similar objects;
- (xi) to develop and maintain linkages with educational or other institutions in any part of the world having objects wholly or partially similar to those of the University, through exchange of teachers and scholars, and generally in such manner as may be conducive to their common objects;
- (xii) to develop and maintain relationships with teachers, researchers and domain experts in science, technology, dental, medical, physiotherapy, pharmacy, commerce, management, humanities and allied areas in any part of the world for achieving the objects of the University;
- (xiii) to regulate the expenditure and to manage the finances and to maintain accounts of the University;
- (xiv) to receive funds from industry, national and international organizations or any other source as gifts, donations, benefactions, bequests and by transfers of movable and immovable properties for the purpose and objects of the University, under the intimation to the State Government;
- (xv) to establish, maintain and manage halls and hostels for the residence of students;
- (xvi) to supervise and control the residence and regulate the discipline of students of the University and to make arrangements for promoting their health and general welfare and cultural activities;
- (xvii) to fix, demand and receive or recover fees and such other charges as may be prescribed by the Regulations, in accordance with the guidelines of the State Government or National statutory bodies;
- (xviii) to institute and award fellowships, scholarships, prizes, medals and other awards;



- (xix) to purchase or to take on lease or accept as gifts or otherwise any land or building or works which may be necessary or convenient for the purpose of the University and on such terms and conditions as it may think fit and proper and to construct or alter and maintain any such building or works under the intimation to the State Government;
- (xx) to sell, exchange, lease or otherwise dispose of all or any portion of the properties of the University, movable or immovable, on such terms as it may think fit and consistent with the interest, activities and objects of the University, under the intimation to the State Government;
- (xxi) to draw and accept, to make and endorse, to discount and negotiate, promissory notes, bills of exchange, cheques or other negotiable instruments;
- (xxii) to raise and borrow money on bond, mortgages, promissory notes or other obligations or securities founded or based upon all or any of the properties and assets of the University or without any securities and upon such terms and conditions as it may think fit and to pay out of the funds of the University, all expenses incidental to the raising of money, and to repay and redeem any money borrowed, under the approval of the State Government;
- (xxiii) to invest the funds of the University in or upon such securities and transpose any investment from time to time in such manner as it may deem fit in the interest of University;
- (xxiv) to execute conveyances regarding transfers, mortgages, leases, licenses, agreements, and other conveyances in respect of property, movable or immovable including Government securities belonging to the University or to be acquired for the purpose of the University, under the intimation to the State Government.;
- (xxv) to admit the students for the courses offered by the University in the manner prescribed by the Regulations;
- (xxvi) to create academic, technical, administrative, ministerial and other posts and to make appointments thereto;
- (xxvii) to regulate and enforce discipline among the students, employees of the University and to provide for such disciplinary measures as may be prescribed by the Regulations;
- (xxviii) to institute professorships, associate professorships, assistant professorships, readerships, lectureships, and any other teaching, academic or research posts and to prescribe qualifications by Regulations, in accordance with the guidelines prescribed by University Grant Commission or concerned National Technical or Professional councils, for such matters;

- (xxix) to appoint qualified persons as professors, associate professors, assistant professors, readers, lecturers or as teachers and researchers of the University;
- (xxx) subject to the provisions of this Act and Regulations, any officer or authority of the University may, by order, delegate his or its powers except the power to make Regulations to any other officer or authority under his or its control;
- (xxxi) to do all such other acts and things as the University may consider necessary, conducive or incidental to the attainment or enlargement of all or any of the objects of the University.

### CHAPTER III AUTHORITIES OF UNIVERSITY

7. (1) (i) There shall be a Patron-in-Chief of the University. Patron-in-Chief,  
President and his  
powers.
- (ii) The First President of the University shall be nominated by the Patron-in-Chief.
- (iii) The first President shall hold office during the pleasure of the Patron-in-Chief or for his lifetime, whichever is earlier.
- (iv) In the event of the first President ceases to hold office, a President shall be nominated by the managing committee of the foundation from amongst the permanent members of the Executive Committee of the foundation for five years, and shall be eligible for reappointment to that office for a further term of five years.
- (2) The President shall have, power to cause an inspection or review to be made by such person or persons as he may direct, of the University, its buildings, libraries, equipments and systems and processes and of any institution or centre maintained by the University, and also of the examinations, teaching, research and other work conducted or done by the University and to cause an inquiry to be made in like manner in respect of any matter connected with the administration and finances of the University.
8. The following shall be the authorities of the University, Authorities  
of  
University.  
namely :-
- (a) The Board of Governors;
  - (b) The Academic Council;
  - (c) The Finance Committee; and
  - (d) such other authorities as may be prescribed by the Regulations.

Officers of  
University.

9. The following shall be the officers of the University, namely:-

- (a) The President,
- (b) The Director,
- (c) The Deans,
- (d) The Registrar, and
- (e) such other officers as may be prescribed by the Regulations.

Board of  
Governors.

10. (1) The Board of Governors of the University shall consist of the following members, namely:-

- (i) The President shall be the Chairman of the Board;
- (ii) Two representatives of the Trust;
- (iii) The Director of the University;
- (iv) Two Deans of the University, by rotation, to be nominated by the Director;
- (v) Secretary to Government (Higher and Technical Education), Education Department, Government of Gujarat;
- (vi) The Commissioner of Higher Education, Education Department, Government of Gujarat;
- (vii) The Director of Technical Education, Education Department, Government of Gujarat;
- (viii) The Director of Health and Medical Services and Medical Education, Health and Family Welfare Department, Government of Gujarat;
- (ix) Two Principals of the colleges of the University by rotation to be nominated by the Director ;
- (x) Three experts representing other disciplines such as finance, legal, management, humanities to be nominated by the President;
- (xi) Two representatives of the Industries to be nominated by the President.

(2) The Registrar shall be the Secretary of the Board.

Chairman  
of the  
Board.

11. (1) The Chairman shall preside over at the meetings of the Board and at the convocations of the University.

(2) The Chairman shall exercise such other powers and perform such other duties as may be assigned to him by this Act or the Regulations.



12. (1) The Board shall be responsible for the general superintendence, direction and control of the affairs of the University and shall exercise all the powers of the University.

**Powers and functions of the Board.**

(2) Without prejudice to the provisions of sub-section(1), the Board shall have the following powers and functions, namely:-

- (i) to take decisions on question of policy relating to the administration and working of the University;
- (ii) to institute courses of study at the University;
- (iii) to make Regulations;
- (iv) to consider and approve the annual report and the annual accounts of the University for every financial year;
- (v) to invest moneys and funds of the University and take decisions on the recommendations of the Finance Committee;
- (vi) to publish or finance the publication of studies, books, periodicals, reports and other literature and to sell or arrange for the sale as it may deem fit from time to time;
- (vii) to create or abolish posts of teachers and other employees of the University;
- (viii) to appoint such committees as it considers necessary for the exercise of its powers and the performance of its duties under this Act;
- (ix) to delegate, by written order, any of its powers to the Director, Dean, Registrar, or any other officer, employee or authority of the University or to a committee appointed by it;
- (x) to exercise such other powers and perform such other functions as may be conferred or imposed upon it by this Act or Regulations;
- (xi) to review the acts of the Academic Council and the Finance committee.

13. (1) Save as otherwise provided in this section, the term of nominated members of the Board shall be three years from the date of nomination.

**Terms of office and vacancies among members of the Board.**

(2) An *ex-officio* member shall continue so long as he holds the office by virtue of which he is such member.

(3) Any vacancy in the Board occurring before the reconstitution or before the expiry of the prescribed period shall be filled by nomination of another person by the President.



(4) A member nominated under sub-section (3) shall continue for the remainder of the term of a member, in whose place he is nominated.

(5) A member shall be eligible for re-nomination for the next term.

(6) A member may resign his office by writing under his hand, addressed to the President but he shall continue in office until his resignation has been accepted by the President.

Academic  
Council.

14. (1) The Academic Council of the University shall consist of the following members, namely:-

- (i) the Director of the University, *ex-officio*, who shall be the Chairman of the Academic Council;
- (ii) one eminent academician and one eminent professional to be nominated by the Board;
- (iii) one external eminent academician and one eminent professional to be nominated by the Director;
- (iv) two deans of the University by rotation to be nominated by the Director;
- (v) one Professor from each discipline of the University by rotation to be nominated by the Director; and
- (vi) the Registrar who shall be the non-member Secretary of the Council;

(2) The term of office of the members other than the *ex-officio* member shall be three years.

Powers and  
duties of  
Academic  
Council.

15. The Academic Council shall have the following powers and duties, namely:-

- (i) to exercise control over the academic policies of the University and shall be responsible for the maintenance and improvement of standards of instruction, education and evaluation in the University;
- (ii) to consider matters of general academic interest either on its own initiative or on a reference from the Faculty of the University or the Board and to take appropriate action thereon;
- (iii) to recommend to the Board such Regulations as are consistent with this Act regarding the academic functioning of the University; and
- (iv) to exercise such other powers and perform such other duties as may be conferred or imposed upon it by the Regulations.

16. (1) The Finance Committee shall consist of the following members, namely :-

Finance  
Committee.

- (i) the Director of the University, *ex-officio* shall be the Chairman of the Committee;
- (ii) one member of the Board to be nominated by the President;
- (iii) one Dean of the University by rotation to be nominated by the Director;
- (iv) one expert professional to be nominated by the President; and
- (v) the Registrar shall be the non-member Secretary of the Committee.

(2) The term of office of the members other than the *ex-officio* member shall be three years.

17. The Finance Committee shall exercise the following powers and perform the following functions, namely:-

Powers and  
functions of  
Finance  
Committee.

- (i) to examine the annual accounts and annual budget estimates of the University and advise the Board thereon;
- (ii) to review the financial position of the University from time to time;
- (iii) to make recommendations to the Board on all financial policy matters of the University;
- (iv) to make recommendations to the Board on all proposals involving raising of funds, receipts and expenditures;
- (v) to provide guidelines for investment of surplus funds;
- (vi) to make recommendations to the Board on proposals involving expenditure for which no provision has been made in the budget or for which expenditure in excess of the amount provided in the budget has been incurred;
- (vii) to examine proposals relating to revision of pay scales, upgradation of the scales and all those items which are not included in the budget, before they are placed before the Board; and
- (viii) to exercise such other powers and perform such other functions as may be conferred or imposed upon it by the Regulations.

18. (1) The Director shall be appointed by the Board, out of the panel of names, recommended from time to time, by the committee consisting of the following members, namely:-

Director.

- (i) an eminent professional to be nominated by the President;
- (ii) an eminent educationist to be nominated by the President; and

- (iii) one member of the Board to be nominated by the President.

(2) The President shall designate one member as the Chairman of the Committee.

(3) The term of office of the Director shall be for the period of five years and shall be eligible for re-appointment to that office for a further term of five years.

(4) Where a vacancy in the office of the Director occurs and it cannot be conveniently and expeditiously filled up in accordance with the provisions of sub-sections (1) and (3) and if there is any emergency, the President, in consultation with the Board may appoint any suitable person to be the Director and may, from time to time extend the term for a period not exceeding one year.

(5) The terms and conditions of the service of the Director shall be such as may be prescribed by the Board and until so prescribed, shall be determined by the president.

**Powers and  
duties of  
Director.**

19. (1) The Director shall be the Chief Executive and Academic Officer of the University. He shall preside over at the meetings of the Academic Council and Finance Committee.

(2) Without prejudice to the generality of the provision contained in sub-section (1), the Director shall -

- (i) exercise general superintendence and control over the affairs of the University;
- (ii) ensure implementation of the decisions of the authorities of the University;
- (iii) be responsible for imparting of instruction and maintenance of discipline in the University; and
- (iv) exercise such other powers and perform such other duties as may be assigned to him under this Act or the Regulations or as may be delegated to him by the Board or by the President, as the case may be.

(3) Where any matter is of urgent nature requiring immediate action and the same cannot be immediately dealt with by the Chairman or Authority or body of the University empowered under this Act to deal with it, the Director may take such action as he may deem fit and shall forthwith report the action taken by him to the Chairman or authority or body of the University who or which, in the ordinary course, would have dealt with the matter.

(4) Where the exercise of the power by the Director under sub-section (3) involves the appointment of any person, such appointment shall be confirmed by the competent authority empowered to approve such appointment, in accordance with the provisions of this Act and the



Regulations, not later than three months from the date of order of the Director, otherwise the same shall cease to have effect on the expiration of a period of three months from the date of order of the Director.

20. (1) The Registrar shall be appointed by the University in such Registrar. manner and on such terms and conditions as may be prescribed by the Regulations.

(2) The Registrar shall exercise the following powers and perform following duties, namely:-

- (i) He shall be responsible for the custody of records, common seal, the funds of the University and such other property of the University;
- (ii) He shall place before the Board and other authorities of the University, all such information as may be necessary for transaction of its business;
- (iii) He shall be responsible to the Director for the proper discharge of his functions;
- (iv) He shall, subject to the control of the Director, be responsible for the administration and services of the University;
- (v) He shall attest and execute all documents on behalf of the University;
- (vi) In all suits and other legal proceedings by or against the University, the pleadings shall be verified and signed by the Registrar and all processes in such suits and proceedings shall be issued to and served on, the Registrar;
- (vii) He shall exercise such other powers and perform such other duties as may be assigned to him under this Act, the Regulations or as may be delegated to him by the Board or the Director.

21. (1) The Deans of the University shall be appointed by The Deans. the Director, with the approval of the Chairman of the Board, from amongst the faculty members of the University.

(2) The Dean shall assist the Director in managing the academic and other affairs of the University and shall exercise such powers and perform such functions as may be prescribed by the Regulations or to be delegated to them by the Director.

V. EX. 20-4



**CHAPTER IV**  
**FUNDS, ACCOUNTS AND AUDIT**

**Permanent  
Endowment  
Fund of the  
University.**

22. The Trust shall place funds at the disposal of the University to be called the Permanent Endowment Fund of a sum of ten crores of rupees or as such required for meeting the full operational expenditure of the University for three years, in long term interest bearing securities issued or guaranteed by the Central or State Government. On the termination of the involvement of the Trust and after meeting the operational expenditure for three years out of the permanent Endowment Fund, if there is any unused balance that shall be paid back to the Trust, with the previous permission of the State Government.

**Payment to  
University.**

23. The Trust shall pay to the University from time to time such sums of money and in such manner as may be considered necessary for the exercise of its powers and discharge of its functions under this Act.

**Funds of  
University.**

24. (1) The University shall have its own funds consisting of—  
(i) all moneys provided by the trust;  
(ii) all fees and other charges received by the University;  
(iii) all moneys received by the University by way of grants, loans, gifts, donations, benefactions, bequests or transfers;  
(iv) all moneys received by the University from the collaborating Industry in terms of the provisions of the Memorandum of Understanding between the University and the Industry for establishment of sponsored chairs, fellowships and infrastructure facilities of the University, under the intimation to the State Government.

(2) All funds of the University shall be deposited in such banks or invested in such manner as the Board may decide on recommendation of the Finance Committee.

(3) The funds of the University shall be applied towards the expense of the University including expenses incurred in the exercise of its powers and discharge of its function.

**Accounts  
and Audit.**

25. (1) The University shall maintain proper accounts and other records and prepare an annual statement of accounts, including the income and expenditure account and the balance sheet, in such form and in such manner as may be prescribed by the Regulations.

(2) The University shall adopt a proper system of internal checks and balances and controls in the discharge of its finance, accounting and auditing functions as may be prescribed by the Regulations.

(3) The Accounts of the University shall be audited every year by an auditor who shall be a Chartered Accountant or a firm of Chartered

XXVII of 1949.

Accountants as defined in the Chartered Accountant Act, 1949 who shall be appointed by the Board.

(4) The Accounts of the University certified by the person or firm so appointed or any other person authorized in this behalf together with the audit report thereon shall be placed before the Board and the Board may issue such instructions to the University in respect thereof as it deems fit and the University shall comply with such instructions.

(5) The Accounts of the University shall be audited by an internal auditor who shall be a Chartered Accountant or a firm of Chartered Accounts appointed by the Board, to ensure concurrent audit of all books of accounts, and such periodic internal audit reports shall be placed before the Board for review.

(6) The University shall prepare each year a report of its activities during the previous year and submit it in the form of an annual report to the Board for review and approval.

26. (1) The exiting terms and conditions of the service, including Pension, scheme of pension, provident fund and insurance of the officers, teachers, Provident and other employees of the concerned institutions run by the Mehsana Funds and District Education Foundation shall continue in such manner and subject to Insurance. such conditions, even after the commencement of this Act, till new Regulations are made in this regard.

XIX of 1925.

(2) Where any such provident fund has been so constituted, the provisions of the Provident Funds Act, 1925 shall apply to such fund as if it were a Government Provident Fund.

## CHAPTER V SUPPLEMENTARY PROVISIONS

27. No act or proceeding of the Board, or any authority of the University or any committee constituted under this Act or by the Regulations shall be questioned on the ground merely of the existence of any vacancy in or defect in the constitution of, the Board, Authority or Committee of the University. Acts and proceedings not to be invalidated by vacancies

28. Notwithstanding anything contained in any other law for the time being in force, the University shall have powers to confer degrees, honorary degrees, diplomas and other academic distinctions, titles and grant certificates as approved by the Board. Conferment of degrees, diplomas and grant of certificate by the University.

29. The University shall furnish to the State Government, University Grants Commission and other statutory authorities such reports, returns, statements and other information as may be required by them from time to time. Returns and information.

Management of University on dissolution of Foundation.

30. The Foundation shall give a notice of not less than four years period to the State Government of its intention to dissolve the Foundation. The State Government may direct the University to cease fresh admissions and also direct the Foundation to phase out the responsibility of running the University until the last batches of students in regular courses of the University complete their courses. It shall be obligatory on the part of the Foundation not to compromise in terms of the quality of education and training in the interim years and provide reasonable exit benefits for the employees.

Officers and employees to be public servants.

31. Every officer, teacher and other employees of the University shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. XLV of 1860.

*Explanation.-* For the purposes of this section, any person, who is appointed by the University for a specified period or a specified work of the University or, who receives any remuneration by way of compensatory allowance or fee for any work done from the University Fund, shall be deemed to an officer or employee of the University while he is performing and in relation to all matters relatable to the performance of the duties and functions connected with such appointment of work.

Dismissal, removal, reduction and termination of service of staff of University.

32. No member of the teaching, non-teaching and other academic staff of the University shall be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges. An appeal from an order of dismissal, removal or reduction under sub-section (1) or of termination shall lie to the President within ninety days from the date of communication of such order and the decision of the President in such appeal shall be final.

## CHAPTER VI MISCELLANEOUS PROVISIONS

Powers of State Government.

33. The State Government shall have powers to issue directions from time to time as may be required to be followed by the University under the provisions of this Act, the Regulations made thereunder and under any other law for the time being in force.

Regulations.

34. (1) Subject to the provisions of this Act, the Board shall have, in addition to all other powers vested in it, the power to make Regulations to provide for the administration and management of the affairs of the University.

(2) In particular and without prejudice to the generality of the foregoing powers, such Regulations may provide for all or any of the following matters, namely :-

- (i) the summoning and holding of meetings of the authorities of the University other than the first meeting of the Board, and the quorum and conduct of business at such meeting;



- (ii) the powers and functions to be exercised and discharged by the President of the Board of the University;
- (iii) the constitution, powers and duties of the authorities, bodies and other committees of the University established under this Act, the qualifications and disqualifications for membership of such authorities, term of office of the membership, appointment and removal of members thereof and other matters connected therewith;
- (iv) the procedure to be followed by the Board and any committee or other body constituted under this Act or by the Regulations in the conduct of the business, exercise of the powers and discharge of the functions;
- (v) the procedure and criteria to be followed in establishing courses of study and admission of students;
- (vi) the procedure to be followed for enforcing discipline in the University;
- (vii) the management of the properties of the University;
- (viii) the degrees, diplomas, certificates and other academic distinctions and titles which may be conferred or granted by the University and withdrawal or cancellation of any such degrees, diplomas, certificates and other academic distinctions and titles and the requirements thereof;
- (ix) the conduct of examinations including appointment of examiners;
- (x) the creation of posts of Professors, Associate Professors, Assistant Professors, Readers, Lecturers or equivalent academic designations or posts, officers and employees of the University and the appointment of persons to such posts including the qualifications requisite therefor;
- (xi) the fees and other charges which may be paid to the University for the courses, training, facilities and services provided by it;
- (xii) the manner and conditions for constitution of pension, provident funds, insurance and such other schemes for the benefit of officers, teachers and other employees of the University;
- (xiii) the terms and conditions applicable for association of the University with other institutions;
- (xiv) the preparation of budget estimates and maintenance of accounts;
- (xv) the mode of execution of contracts or agreement by or on behalf of the University;
- (xvi) the classification and procedure for appointment of officers and staff of the University;



- (xvii) the terms and tenure of appointments, salaries and allowances, contractual services, rules of discipline and other conditions of service of the Director, other officers, teachers and employees of the University;
- (xviii) the terms and conditions governing deputation of officers and staff of the university;
- (xix) the powers and duties of the Director and other officers, teachers and employees of the University;
- (xx) the terms and conditions governing fellowship, scholarships, stipends, medals and prizes;
- (xxi) the authentication of the orders and decisions of the Board;
- (xxii) the matters relating to hostels and halls of residence including disciplinary control therein, and
- (xxiii) all matters which, by this Act, are to be or may be prescribed by the Regulations.

**Indemnity.** 35. No suit, prosecution or other legal proceedings shall lie against and no damages shall be claimed from the University, the Director, the authorities or officers of the University or any other person in respect of anything which is done in good faith or purporting to be done in pursuance of this Act or any Regulation made thereunder.

## CHAPTER VII TRANSITORY PROVISIONS

**Transitory provisions.**

36. Notwithstanding anything contained in this Act,-
- (i) the existing Hon. Director of the Foundation holding the office at the time of commencement of this Act, shall be deemed to have been appointed as the first Director. The Director, subject to availability of funds, discharge all or any of the functions of the University for the purpose of carrying out the provisions of this Act and the Regulations and for that purpose may exercise any power or perform any duty which by this Act and the Regulations are to be exercised or performed by any authority of the University until such authority comes into existence as provided by this Act and the Regulations;
  - (ii) the Board functioning as such immediately before the commencement of this Act shall continue to so function until the Board is constituted for the University under this Act, but on the constitution of the Board under this Act, the members of the Board holding office before such constitution shall cease to hold office;
  - (iii) the Academic Council functioning as such immediately before the commencement of this Act shall continue to so function until the Academic Council is constituted for the University under this Act, but on the constitution of the Academic

Council under this Act, the members of the Academic Council holding office before such constitution shall cease to hold office;

- (iv) the Finance Committee functioning as such immediately before the commencement of this Act shall continue to so function until the Finance Committee is constituted for the University under this Act, but on the constitution of the Finance Committee under this Act, the member of the Finance Committee holding office before such constitution shall cease to hold office;
- (v) until the first Regulations of the University are made under this Act, the existing rules and regulations of the Mehsana District Education Foundation, Ganpat Vidyanagar, Kherva, Mehsana as approved by the Board as in force immediately before the commencement of this Act, shall continue to apply to the University in so far as they are not inconsistent with the provisions of this Act.

37. Notwithstanding anything contained in this Act or Regulations made thereunder, any student of the Institutions, named (1) S.K. Patel Collège of Pharmacy Education and Research (2) U.V. Patel College of Engineering (3) V.N.Patel College of Management Studies (4) V.M.Patel Institute of Management (5) Acharya Motibhai Patel Institute of Computer Studies situated within the University area and affiliated to the Hemchandracharya North Gujarat University, was studying or was eligible for any examination of the Hemchandracharya North Gujarat University, shall be permitted to complete his course in preparation therefor, and the University shall provide for such period and in such manner as may be prescribed for the instruction, teaching, training and examination of such students, in accordance with the courses of studies of the Hemchandracharya North Gujarat University.

Completion of courses of students in colleges affiliated to the Hemchandracharya North Gujarat University.

38. If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the *Official Gazette* make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Removal of difficulties at the commencement.

Provided that no such order shall be made after the expiry of the period of three years from the date of commencement of the Act.



### STATEMENT OF OBJECTS AND REASONS

The Mehsana District Education Foundation has established educational institutions in the areas of advance learning such as Engineering Sciences, Pharmaceutical Education and Research, Management, Humanities, Computer Sciences and Business Administration, since a last decade and has earned very high reputation in the academic world, relevant professions and industries.

It is well known that the rate of change in today's technological world is extremely fast and the educational institutions must keep pace with the fast growing changes.

The vision of the foundation is to provide modern education of international standards and specialised training to students, to be always abreast in their respective fields. The foundation enjoys trust of the donors from the society and has very sound financial viability to establish University and to fulfill its objects.

Since long, it was felt that there is a genuine need to create a sound infrastructure in the State of Gujarat in the field of Science, Technology and other educational areas of international standards and to actively participate in the fructification of the national plan for the science and technology. It is well known that the rate of change in today's technological world is extremely fast and unless the technological education system is allowed to keep pace with these changes, the same will be rendered redundant. With this objective, the Mehsana District Education Foundation, Ganpat Vidyanagar, Kherva has created a trust for establishing a university of national level to provide an opportunity for quality education in Science, Technology, and other educational areas and has proposed to the State Government to enact a special law for giving the status of University to these Institutes.

This Bill proposed to allow the setting up of a University for imparting courses related to the different educational areas which aims at promoting reforms and innovations. It is, therefore, considered necessary to establish the Ganpat University in the State of Gujarat by enacting a law.

This Bill seeks to achieve the aforesaid objects.

The following notes on clauses explain in brief some of the important provisions of the Bill.

*Clause 1.-* This clause provides for short title and commencement.

*Clause 2.-* This clause defines certain terms used in the Bill.

*Clauses : 3, 4 and 6.-* These clauses provide for the establishment and incorporation, objects and powers of the University.

*Clause 7.-* This clause provides that the chief pioneer donor of the Mehsana District Education Foundation, Ganpat Vidyanagar shall be the Patron-in-Chief of the University, the first President of the University and also provides for powers of the President.

*Clauses 8 and 9.-* These clauses relate to authorities and officers of the University.

*Clauses 10,12 and 13.-* These clauses relate to the constitution powers and functions of the Board of Governors and terms of office and filling up of vacancies of members.

*Clause 11.-* This clause relates to Chairman and his powers.

*Clauses 14 and 15.-* These clauses relate to constitution of Academic Council and his powers and duties.

*Clauses 16 and 17.-* These clauses relate to constitution of Finance Committee and his powers and functions.

*Clauses 18 and 19.-* These clauses relate to the Director and his powers and duties.

*Clause 20.-* This clause relates to the Registrar and his powers and functions.

*Clause 21.-* This clause relates to Deans of the University and powers and functions to be performed by them.

*Clauses 22 and 23.-* These clauses relate to Permanent Endowment Fund of the University and payment to University.

*Clause 24.-* This clause provides for University Fund.

*Clause 25.-* This clause provides for the preparation of the annual financial estimates, annual accounts, audit and annual report.

*Clause 26.-* This clause provides for the pension, provident fund and insurance of officers, teachers and other employees of the University.

*Clause 27.-* These clauses provide for acts and proceedings not to be invalidated by vacancies.

*Clauses 28 and 29.-* These clauses relate to conferment of degrees, diplomas and grant of certificates by the University and returns and information to be furnished to the State Government.

*Clause 30.-* This clause relates to management for administration of the University, on dissolution of the Trust.

*Clause 33.-* This clause relates to powers of the State Government to give directions as may be required from time to time.



*Clause 34.- Regulations.*

*Clause 35.- Indemnity.*

*Clauses 36, 37 and 38.-* These clauses relate to removal of difficulties at the commencement and transitory provisions.

**ANANDIBEN PATEL**

### **FINANCIAL MEMORANDUM**

Clause 22 of the Bill provides that there shall be Permanent Endowment Fund of the University of the sum of rupees ten crores placed by the Trust for meeting the operational expenditure of the University for three years. Therefore the expenditure shall be incurred from the said Fund. Hence, the provisions of the Bill, if enacted and brought into operation, would not involve any expenditure from the Consolidated Fund of the State.

**ANANDIBEN PATEL**

### **MEMORANDUM REGARDING DELEGATED LEGISLATION**

The Bill involves delegation of legislative powers in the following respects, namely :-

*Clause 1.-* Sub-clause(2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

*Clause 6.-* (i) Sub-clause (v) of this clause empowers the University to prescribe by Regulations, the manner in which degrees and diplomas are to be conferred, the certificate and other academic distinctions or titles are to be granted, and also to withdraw or cancel such degrees, diplomas, certificates or other academic distinction or titles of person;

(ii) sub-clause (vi) of this clause empowers the University to prescribe by Regulations the manner in which honorary degrees or other distinctions are to be conferred by the University;

(iii) sub-clause (xvii) of this clause empowers the University to prescribe by Regulations the fees and other charges to be fixed, demanded, received or recovered by the University;

(iv) sub-clause (xxv) of this clause empowers the University to prescribe by Regulations the manner in which the student shall be admitted to it for the courses offered by the University;

(v) sub-clause (xxvii) of this clause empowers the University to prescribe by Regulations, the disciplinary measures to be taken against the employees of the University for the purpose of regulating and enforcing discipline among the employees;

(vi) sub-clause (xxx) of this clause empowers the Board, to prescribe by Regulations, the delegation of powers of the authorities or officers to any other authority or officer.

*Clause 8.-* Sub-clause (d) of this clause empowers the Board to prescribe by Regulations, such other authorities to be the authorities of the University.

*Clause 9.-* Sub-clause (e) of this clause empowers the Board to prescribe by Regulations such other persons to be the officers of the University.

*Clause 11.-* Sub-clause (2) of this clause empowers the Chairman to exercise such other powers and perform such other duties as may be assigned to him by the Regulations.

*Clause 12.-* Para (x) of sub-clause (2) of this clause empowers the Board by Regulations to exercise such other powers and perform such other functions as may be conferred or imposed upon it.

*Clause 15.-* Sub-clause (iv) of this clause empowers the Academic Council to exercise such other powers and perform such other duties as may be conferred or imposed upon it by the Regulations.

*Clause 17.-* Sub-clause (viii) of this clause empowers the Finance Committee by regulation to exercise such other powers and perform such other duties as may be conferred or imposed upon it.

*Clause 18.-* Sub-clause (5) of this clause empowers the Board to prescribe by Regulations, the terms and conditions of service of the Director.

*Clause 19.-* Para (iv) of sub-clause (2) of this clause empowers the Director to exercise such other powers and perform such other duties as may be assigned to him by the Regulations.

*Clause 20.-* Sub-clause (1) of this clause empowers the Board to prescribe by Regulations, the manner and terms and conditions, subject to which the Registrar shall be appointed by the University.

*Clause 21.-* Sub-clause (2) of this clause empowers the Director to prescribe by Regulations the powers and functions subject to which the Dean shall exercise powers and perform the functions.

*Clause 25.-* (i) Sub-clause (1) of this clause empowers the Board to prescribe by Regulations the form and the manner in which proper account, other relevant record, annual statement of accounts, the income and expenditure account and the balance sheet shall be maintained and prepared respectively;

(ii) sub-clause (2) of this clause empowers the Board to prescribe by Regulations the manner of adoption of a proper system of internal checks and balances and controls by the University.

*Clause 26.-* Sub-clause (1) of this clause empowers the Board to prescribe by Regulations the manner and the conditions for constituting schemes of pension, provident fund and insurance to the officers, teachers and other employees of the University;

*Clause 34.-* This clause empowers the Board to make Regulations for the administration and management of the affairs of the university and to make Regulations for all or any of the matters specified therein.

The delegation of legislative powers as aforesaid is necessary and is of a normal character.

Dated the 9th March, 2005.

**ANANDIBEN PATEL.**

By order and in the name of the Governor of Gujarat,

**S. S. PARMAR,**

Gandhinagar,  
Dated the 9th March, 2005.

Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

Government Central Press, Gandhinagar.



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# The Gujarat Government Gazette EXTRA ORDINARY

PUBLISHED BY AUTHORITY

Vol. XLVI] THURSDAY, MARCH 10, 2005 / PHALGUNA 19, 1926

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

## PART V

Bills introduced in the Gujarat Legislative Assembly.

The following Bill which was introduced on the 10th March, 2005 by Shri Bhavin Sheth M.L.A. is published under rule 127-A of the Gujarat Legislative Assembly Rules for general information.

### GUJARAT BILL NO. 21 OF 2005.

#### THE BOMBAY ANIMAL PRESERVATION (GUJARAT AMENDMENT) BILL, 2005.

##### A BILL

*further to amend the Bombay Animal Preservation Act, 1954.*

It is hereby enacted in the Fifty-sixth year of the Republic of India, as follows:—

1. (1) This Act may be called the Bombay Animal Preservation (Gujarat Amendment) Act, 2005.

Short title  
and  
commence-  
ment.

(2) It shall come into force at once.

Bom. LXXII  
of 1954.

2. In the Bombay Animal Preservation Act, 1954, after section 6, the following Section shall be inserted, namely:—

Insertion of  
Section 6A  
in the Bom.  
LXXII of  
1954.

“6 A notwithstanding anything contained in this Act or any other Law for the time being in force, no animal shall be slaughtered on following days

Prohibition  
on  
slaughter of  
animals on  
certain  
days.

- (1) Ram Navmi.
- (2) Janmashtami
- (3) Mahavir Jayantee
- (4) Paryushan
- (5) Gandhi Jayantee
- (6) Navratri.”



## STATEMENT OF OBJECTS AND REASONS

The existing Bombay Animal Preservation Act, 1954 has no provision by which Government can forbid slaughter of animals on certain religious days. It is established fact that cows and other animals are slaughtered on religious days like Ram Navami, Gokul Ashtami, Mahavir Jayantee, Paryushan, Gandhi Jayantee, Navratri etc. and feelings of large section of people are hurt.

It has therefore become essential to empower the State Government to give Legislative power in this behalf.

This bill seeks to achieve the aforesaid object.

Gandhinagar,  
Dated the 15th February, 2005.

**BHAVIN SHETH**  
M.L.A.

Gandhinagar,  
Dated the 10th March, 2005.

**D. M. PATEL,**  
Secretary,  
Gujarat Legislative Assembly.

Government Central Press, Gandhinagar.



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PUBLISHED BY AUTHORITY

Vol. XLVI]

THURSDAY, MARCH 10, 2005/PHALGUNA 14, 1926

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## PART-V

### Bills introduced in the Gujarat Legislative Assembly

The following Bill which was introduced on the 10th March, 2005 by Shri Siddharth Parmar M. L. A. is published under rule 127-A of the Gujarat Legislative Assembly Rules for general information.

### GUJARAT BILL NO. 22 OF 2005.

### THE GUJARAT RESERVATION OF VACANCIES IN POSTS AND SERVICES (FOR SCHEDULED CASTES AND SCHEDULED TRIBES) BILL, 2005.

### A BILL

*to provide for adequate representation of Scheduled Castes and Scheduled Tribes in posts and services under the State.*

It is hereby enacted in the Fifty-Sixth Year of the Republic of India as follows :-

1. (1) This Act may be called the Gujarat Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 2005.
- (2) It extends to the whole of the State of Gujarat.
- (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

Short title,  
extent and  
commence-  
ment.

**Definitions. 2.** In this Act, unless the context otherwise requires,—

- (a) “Prescribed” means prescribed by rules made under this Act,
- (b) “recruitment year” means the financial year during which a recruitment is actually made.
- (c) “reservation” means reservation of vacancies in post and services for the Scheduled Castes and Scheduled Tribes.
- (d) “Scheduled Castes” shall have reference to the Scheduled Castes specified in the Constitution (Scheduled Castes) Order, 1950 made under Article 341 of the Constitution of India and as amended from time to time.
- (e) “Scheduled Tribes” shall have reference to the Scheduled Tribes specified in the Constitution (Scheduled Tribes) Order, 1950 made under Article 342 of the Constitution of India and as amended from time to time.
- (f) “Select list” means the list of candidates arranged in order of precedence prepared according to the rules and orders issued by the State Government in that behalf and adopted by the competent authority or making appointment in respect of initial recruitment and promotions.
- (g) “State” means the Government of the State of Gujarat.

**Applicability. 3.** This Act shall apply to,—

- (1) All appointments to the posts and services under the State except,—
  - (a) those meant for conducting or guiding or directing research;
  - (b) those classified as scientific posts;
  - (c) those filled up on the basis of any contract;
  - (d) ex-cadre posts;
  - (e) those which are filled up by transfer or deputation;
  - (f) such other posts the State Government may, from time to time by order specify :

Provided that all orders made under clause (f) shall, as soon as after they are made, be laid before the State Legislature for not less than thirty days which may be comprised in one or more sessions.

- (2) all appointments to the district level posts,
- (3) all appointments in the Panchayats, Boards and Corporation constituted by the State Government.

(4) all appointments in institutions aided by the State Government.

(5) all other appointments, which the State Government may specify from time to time.

4. (1) Except as otherwise provided in this Act, the vacancies reserved for the Scheduled Castes and the Scheduled Tribes shall not be filled up by candidates not belonging to the Scheduled Castes and Scheduled Tribes. Reservation and the percentage thereof.

(2) The reservation of vacancies in posts and services shall be at such percentage of the total number of vacancies as the State Government may, from time to time by order determine;

Provided that-

(a) in the case of initial recruitment the percentage so determined shall, in no case be less than the percentage of the persons belonging to the Scheduled Castes or the Scheduled Tribes as the case may be, in the total population of the State,

(b) in the case of initial recruitment the district level posts, the percentage so determined, shall, in no case be less than the percentage of the persons belonging to the Scheduled Castes or the Scheduled Tribes as the case may be, in the total population of that district and in no case be less than the percentage of persons belonging to the Scheduled Castes or the Scheduled Tribes as the case may be, in the total population of the State.

(c) save as otherwise provided in this Act, in the case of appointment by way of promotions the percentage of reservation shall be such as is laid down in paragraphs (a) and (b).

*Explanation,—* The expression “population” means the population as ascertained at the last census for which the relevant figures have been published.

5. (1) The State Government shall prescribe model roster indicating the number of vacancies to be reserved for the Scheduled Castes and Scheduled Tribes and the number of vacancies to be left unreserved. Model Roster.

(2) The appointing authorities shall maintain roster in the prescribed form.

(3) The roster shall be consulted for ascertaining the number of reserved vacancies only but the appointment shall be made in accordance with the order of precedence as shown in the select list.

6. If, in any recruitment year, the number of candidates other from Scheduled Castes or Scheduled Tribes is less than the number of vacancies reserved for them the remaining vacancies may be filled up by general candidates after dereserving the vacancies in the prescribed manner, but the vacancies so dereserved shall be carried forward to the subsequent three years of recruitment. Carry forward of reservation and dereservation.



Relaxation  
and  
concessions.

7. For initial appointments for the candidates belonging to Scheduled Castes and Scheduled Tribes.-

(a) the upper age-limit prescribed for recruitment shall be relaxed by five years.

(b) fee prescribed for application for any post shall be one fourth of what it is for others.

(c) travelling allowance to attend competitive written examination and oral interview shall be paid at such rates as may be prescribed by the State Government.

(d) percentage of passing the competitive and departmental examinations shall be relaxed by 5 percent.

Member of  
initial  
recruitment.

8. (1) For recruitment through employment exchange the number of vacancies reserved for Scheduled Castes and Scheduled Tribes shall be specified in the requisition to be sent to the employment exchange against the total number of vacancies.

(2) For recruitment to be made through the Gujarat Public Service Commission or any Selection Board on the basis of competitive examination or interview the advertisement shall specify the number of vacancies reserved for Scheduled Castes and Scheduled Tribes against the total number of vacancies.

(3) The Scheduled Castes and Scheduled Tribes candidates shall be recruited to the extent of the reserved vacancies if they possess the minimum qualifications required for the posts or services.

(4) If the required number of Scheduled Castes and Scheduled Tribes candidates are not available for filling up the reserved vacancies, a fresh recruitment shall be made only from candidates belonging to the Schedules Castes or Scheduled Tribes, as the case may be, for filling up the remaining reserved vacancies.

(5) If after making such fresh recruitment candidates belonging to the Schedule Castes or Scheduled Tribes are still not available or if the number of such candidates is less than the number of reserved vacancies, the vacancies which remain unfilled shall be filled up by general candidates in accordance with the procedure laid down in section 6.

(6) For district level posts if the candidates belonging to Schedules Castes or Scheduled Tribes, as the case may be, are not available in the district employment exchange in sufficient number at the time of initial recruitment, the employment exchange of other district where there is large population of Schedules Castes or Scheduled Tribes, as the case may be, shall be consulted.

Promotion  
based on  
seniority  
cum-fitness.

9. (1) Where promotion is to be made on the basis of seniority subject to fitness, the Schedule Castes and Scheduled Tribes officers shall be promoted to the next higher post or grade against reserved vacancies provided they possess the minimum qualifications and experience required for such promotion.

(2) The number of reserved vacancies shall be determined on the basis of the reserved points shown in the roster maintained under Section 5.

10. Where promotion is to be made on the basis of selection and the element of direct recruitment does not exceed fifty percent the procedure for filling up of the reserved vacancies shall be such as may be prescribed and the number of reserved vacancies shall be determined on the basis of the reserved points shown in the roster maintained under Section 5. **Promotion based on selection.**
11. Where selection is to be made from different services the recruitment or appointing authority shall select Scheduled Castes and Scheduled Tribes candidates to the extent of reserved quota, provided such candidates satisfy the minimum conditions of suitability qualification and experience laid down in respect of the post concerned. **Selection from different services.**
12. (1) Every appointing authority shall furnish to the State Government annual report in the prescribed manner by the end of the month of June of the succeeding financial year and maintain such other records as may be prescribed. **Submission of annual report, maintenance of other records and inspection thereof.**
- (2) Any officer authorised by the State Government in that behalf may inspect any record or documents and require the appointing authority to produce the roster and other records relating to appointments made by it and which are maintained in its office.
- (3) It shall be the duty of the appointing authority to produce such records and documents, furnish such information and afford all such assistance and facilities as may be necessary for the aforesaid purpose.
13. In each department of the State Government an officer not below the rank of an Under Secretary authorised by the Secretary of the department in that behalf shall act as Liaison Officer in respect of the matter provided in this Act who shall be specially responsible for – **Nomination of Liaison Officer.**
- (a) ensuring proper implementation of the provisions of this Act and the rules made thereunder,
- (b) ensuring compliance by the subordinant authorities.
- (c) ensuring timely submission of returns,
- (d) conducting annual inspections of rosters and such other record as may be prescribed,
- (e) acting as Liaison Officer between the administrative department and the Social Welfare Department,
- (f) ensuring necessary assistance to the Social Welfare Department in the investigation of complaints received from individuals or organisations belonging to Scheduled Castes and Scheduled Tribes.
14. (1) There shall be a Standing Committee consisting of the following members, namely:— **Constitution of Standing Committee.**
- (a) The Minister for Social Welfare—Chairman.
- (b) Three members of the Gujarat Legislative Assembly to be elected in such manner as may be determined by the Speaker of the Gujarat Legislative Assembly—Member.
- (c) The Chief Secretary to Government—Member.

- (d) The Secretary to Government, Home Department—Member.  
 (e) The Chief Secretary to Government, Social Welfare Department—Member Secretary :

Provided that on issue of a proclamation under Article 356 of the Constitution of India the composition of the committee may be altered by the State Government to such extent as it may deem fit.

Functions  
of the  
standing  
committee.

15. (1) The Committee shall meet at least thrice a year and the period between any two meetings shall not be more than six months.

(2) The Committee shall perform the following functions, namely:—

(i) review of the implementation of the provisions of this Act and rules made thereunder,

(ii) suggest measures for the removal of difficulties in such implementation or for the improvement thereof and

(iii) such other functions as the State Government may from time to time assign to the Committee.

Annual  
Report.

16. The State Government shall prepare an annual report on the working of the Act and lay the same before the State Legislature for a period of not less than fifteen days in the Budget Session of the succeeding financial year.

Legal aid.

17. Legal aid shall be made available by the State Government at the prescribed rates to the employees belonging to Scheduled Castes and Scheduled Tribes in cases of their grievances.

Rule  
making  
power.

18. (1) The State Government may, by notification in the Official Gazette (after previous publication), make rules to carry out all or any of the purposes of this Act.

(2) In particulars and without prejudice to the generality of the foregoing powers, the State Government may make rules in respect of all matters expressly required or allowed by this Act to be prescribed.

(3) All rules made under this Act, shall, as soon as may be, after they are made, be laid before the State Legislature for not less than thirty days which may be comprised in one or more sessions and if during the said period, the State Legislature makes any modifications therein, the rules shall thereafter have effect only in such modified form so however that such modifications shall be without prejudice to the validity of any thing previously done under the rules.

Overriding  
effect of the  
Act.

19. The provisions of this Act shall have effect notwithstanding anything to the contrary in any other law or in any rule, order or resolution made by the State Government.



**STATEMENT OF OBJECTS AND REASONS.**

According to Constitutional provisions, the State Government have made several administrative orders for implementation of policy of reservation for Scheduled Castes and Scheduled Tribes. But due to lack of effective control the provisions of such administrative order could not be strictly implemented and the employees belonging to Scheduled Castes and Scheduled Tribes have to face injustice many a time. This Bill, therefore, provides for the effective implementation of the policy.

Gandhinagar,  
Dated the 25th February, 2005

**SIDDHARTH PARMAR,**  
M.L.A.

**FINANCIAL MEMORANDUM**

Clause 14 of the Bill requires the State Government to constitute standing committee and Clause 15 requires atleast three meeting to be held in a year, clause 17 requires the State Government to make available legal aids to employees belonging to Scheduled Castes and Scheduled Tribes at the prescribed rates. It is estimated that the expenditure to be involved from the Consolidated Fund of the State in regard to above provisions would be about rupees two lakhs per annum.

Gandhinagar,  
Dated the 25th February, 2005

**SIDDHARTH PARMAR,**  
M.L.A.



Sub-clause (3) of Clause 1, empowers the State Government to appoint by notification in the Official Gazette the date on which the Act shall come into force.

Paragraph (f) of sub-clause (1) of clause 3 empowers the State Government to specify by order posts other than those specified in the sub-clause.

Sub-clause (3) of clause 3 empowers the State Government to specify from time to time appointments other than those specified in the preceding sub-clauses.

Sub-clause (2) of clause 4 empowers the State Government to determine the percentage of reservation of vacancies in posts and services.

Sub-clause (1) of clause 5 empowers the State Government to prescribe model roster.

Sub-clause (2) of clause 5 empowers the State Government to prescribe form for maintaining roster.

Clause 6 empowers the State Government to prescribe manner for filling up reserved vacancies by general candidates in case the number of candidates from Scheduled Castes and Scheduled Tribes is less than the number of vacancies reserved for them.

Paragraph (c) of clause 7 empowers the State Government to prescribe rates of travelling allowance to be paid to the candidates belonging to the Scheduled Castes and Scheduled Tribes for attending competitive examination or oral interviews.

Clause 10 of the Bill empowers the State Government to prescribe procedure for filling up the reserved vacancies where promotion is to be made on the basis of selection and the element of direct recruitment does not exceed fifty percent.

Sub-clause (1) of clause 12 empowers the State Government to prescribe a manner for furnishing annual report to the State Government and to maintain other records.

Paragraph (d) of clause 13 empowers the State Government to prescribe other records for conducting annual inspection.

Paragraph (b) of clause 14 empowers the Speaker of the Gujarat Legislative Assembly to determine manner for electing members of the Assembly on the Standing Committee.

The proviso to clause 14 empowers the State Government to alter the composition of the Standing Committee on issue of proclamation under Article 356 of the Constitution to such extent as it may deem fit.

Paragraph (iii) of sub-clause (2) of clause 15 empowers the State Government to assign to the Standing Committee other functions from time to time.

Clause 17 of the Bill empowers the State Government to prescribe rates for making available legal aid to the employees belonging to the Scheduled Castes and Scheduled Tribes.

Sub-clause (1) of clause 18 empowers the State Government to make rules for carrying out the purposes of the Act.

The delegation of legislative powers as aforesaid is essential and of normal character.

Gandhinagar,  
Dated the 25th February, 2005

SIDDHARTH PARMAR,  
M.L.A.

Gandhinagar,  
Dated the 10th March, 2005

D. M. PATEL,  
Secretary,  
Gujarat Legislative Assembly.

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Government Central Press, Gandhinagar.



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# The Gujarat Government Gazette

## EXTRAORDINARY

PUBLISHED BY AUTHORITYs

Vol. XLVI] FRIDAY, MARCH 11, 2005/PHALGUNA 20, 1926

Separate paging is given to this Part in order that it may be filed as a Separate Compilation

### PART V

**Bills introduced in the Gujarat Legislative Assembly.**

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127-A of the Gujarat Legislative Assembly Rules:-

### THE GUJARAT ENTERTAINMENTS TAX (AMENDMENT) BILL, 2005.

GUJARAT BILL NO. 23 OF 2005.

### A BILL

*further to amend the Gujarat Entertainments Tax Act, 1977.*

It is hereby enacted in the Fifty-sixth Year of the Republic of India  
as follows :-

1. (1) This Act may be called the Gujarat Entertainments Tax (Amendment) Act, 2005. Short title and commencement.

(2) It shall come into force on the 1<sup>st</sup> April, 2005.

23-2 GUJARAT GOVERNMENT GAZETTE Ex. 11-3-2005 [PART V

Amendment of  
section 3 of Guj. 16  
of 1977.

2. In the Gujarat Entertainments Tax Act, 1977 (hereinafter referred to as "the principal Act"), in section 3, in sub-section (1), in clause (a), after sub-clause (ii), the following proviso shall be inserted, namely :-

"Provided that the payment for admission to an entertainment shall not be less than rupees ten per person."

Amendment of  
section 6 of Guj. 16  
of 1977.

3. In the principal Act, in section 6,-

- (i) to sub-section (3), the following proviso shall be inserted, namely :-

"Provided that the payment for admission to an entertainment shall not be less than rupees five per person.";

- (ii) in the *Explanation*, for the proviso to clause (i), the following proviso shall be substituted, namely :-

"Provided that where a specified area is within the radius of five kilometers from any other local area, the population of which is more than the specified area, such specified area shall be deemed to be within the category of the local area with larger population."



**STATEMENT OF OBJECTS AND REASONS**

Since there is no provision in the Gujarat Entertainments Tax Act, 1977 with regard to minimum rate of payment for admission to an entertainment, it is considered necessary to prescribe the minimum rate of payment for admission to an entertainment.

Incidentally, an opportunity is taken to amplify the term "specified area" Accordingly, where any specified area is within the radius of five kilometers from any other local area, the population of which is more than the population of the specified area, such specified area shall be considered to be falling within the category of local area with larger population.

This Bill seeks to achieve the aforesaid object.

Dated the 10th March, 2005.

**INDRAVIJAYSINH JADEJA.**

By order and in the name of the Governor of Gujarat,

Gandhinagar,  
Dated the 11th March, 2005.

**S. S. PARMAR,**  
Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs  
Department.



सत्यमेव जयते

# The Gujarat Government Gazette

PUBLISHED BY AUTHORITY  
EXTRAORDINARY

Vol. XLVI]

FRIDAY, MARCH 11, 2005/PHALGUNA 20, 1926

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

## PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the Gujarat Government Gazette. The date of publication to be reported).

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

### THE GUJARAT REPEALING BILL, 2005.

GUJARAT BILL NO. 24 OF 2005.

#### A BILL

*to repeal certain Acts.*

WHEREAS it is expedient to repeal certain obsolete Acts.

It is hereby enacted in the Fifty-sixth Year of the Republic of India

as follows :-

1. This Act may be called the Gujarat Repealing Act, 2005.
2. The Acts specified in the Schedule are hereby repealed.

Short title.

Repeal of certain Acts.

**SCHEDULE***( See section 2 )*

<b>Year</b>	<b>No.</b>	<b>Short title of the Act</b>
<b>1</b>	<b>2</b>	<b>3</b>
1863	Bom. V	The Gas Companies Act, 1863.
1939	Bom. IX	The Bombay Gas-Supply Act, 1939.

**STATEMENT OF OBJECTS AND REASONS**

The Gas Companies Act, 1863 and the Bombay Gas Supply Act, 1939 were applicable in the State of Bombay prior to 1<sup>st</sup> May, 1960. The aforesaid Acts were adopted by and extended to the State of Gujarat on its formation on the 1<sup>st</sup> May, 1960.

The Gujarat State Law Commission has, in its fourth Report, recommended to repeal the Gas Companies Act, 1863 as the said Act is not only very old, but it is obsolete also, in the sense that it is of no utility. The Bombay Gas Supply Act, 1939 had never been enforced in the State nor any provision has ever been invoked by the State of Gujarat.

Thus, the Gas Companies Act, 1863 and the Bombay Gas Supply Act, 1939 do not require to be kept on the Statute Book. It is, therefore, considered necessary to repeal both the aforesaid obsolete Acts.

This Bill seeks to achieve the aforesaid objects.

Dated the 10th March, 2005.

**SAURABH PATEL.**

By order and in the name of the Governor of Gujarat,

Gandhinagar,

**S. S. PARMAR,**

Dated the 11th March, 2005.

Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.





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### PART V

#### Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

#### THE SHREE SOMNATH SANSKRIT UNIVERSITY BILL, 2005.

#### GUJARAT BILL NO. 25 OF 2005.

#### A BILL

*to provide for the establishment and incorporation of a teaching and affiliating University in the State of Gujarat to be known as the Shree Somnath Sanskrit University for the purpose of prosecution of scientific based research and comprehensive study in and for the teaching of the Sanskrit and its literature; and to bring into light and to interpret practically the imbedded universal values, knowledge, wisdom, vision presented therein, in the context of the needs of the people and of the modern scientific and technological advancement.*

It is hereby enacted in the Fifty-sixth Year of the Republic of India as follows:-

#### CHAPTER I PRELIMINARY

1. (1) This Act may be called the Shree Somnath Sanskrit University Act, 2005.
- (2) It extends to the whole of the State of Gujarat.
- (3) This section shall come into force at once and the remaining provisions shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint: and different dates may be appointed for different provisions and any reference in any such provision to the date of the commencement of this Act shall be construed as the reference to the date of coming into force of that provision.

Short title,  
extent and  
commencement.

Definitions. 2. In this Act, unless the context otherwise requires, -

- (a) "affiliated college" means a college affiliated under section 50;
- (b) "approved institution" means an institution approved under section 52;
- (c) "college" means a degree college or an affiliated college, teaching any of the courses leading to a certificate, diploma or a degree;
- (d) "hostel" means a unit of residence for students maintained or recognised by the University under this Act;
- (e) "pathashala" means *pathashala* recognised as such by the State Government and which is imparting education in Sanskrit leading to a certificate of *Prathma*, *Madhyama* granted and a degree of *Shastri* and *Acharya* conferred by the State Examination Board, as the case may be;
- (f) "prescribed" means prescribed by the regulations;
- (g) "principal" means the head of a college;
- (h) "recognised institution" means the institution of research or specialised study and recognised as such by the University under section 51;
- (i) "regulations" means the regulations made under section 57;
- (j) "Sanskrit" includes *Prakrit*, *Magadhi*, *Ardhamagadhi* and *Pali*;
- (k) "teacher" means professor, reader, lecturer imparting instruction or guiding research in the University or a University college or an affiliated college or a recognised institution or an approved institution or such other persons as may be declared to be the teacher by the Regulations;
- (l) "University" means the Shree Somnath Sanskrit University constituted under section 3;
- (m) "University area" means the area of the whole of the State of Gujarat;
- (n) "University college" means a college which the University may establish or maintain;
- (o) "University Department" means any post-graduate or research institution or department maintained by the University.

## CHAPTER II UNIVERSITY

3. (1) There shall be established and constituted in and for the State of Gujarat a University to be known as "the Shree Somnath Sanskrit University, Somnath".

Establishment  
and  
incorporation  
of University.

(2) The Chancellor, the first Vice-Chancellor, of the University and the first members of the Executive Council and the Academic Council of the University and all persons who may hereafter become such officers or members so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of "the Shree Somnath Sanskrit University".

(3) The University shall have perpetual succession and a common seal and shall sue and be sued by the said name.

(4) The University shall be competent to acquire and hold property, both movable and immovable, to lease, sell or otherwise transfer any movable or immovable property which may vest in or be acquired by it for the purposes of the University, to raise loans on the securities of its assets and to contract and do all other things necessary for carrying out the purposes of this Act:

Provided that the power to raise any such loan shall be exercised after obtaining the previous permission of the State Government.

(5) The headquarters of the University shall be at Somnath, District-Junagadh, Gujarat State.

4. The objects of the University shall be as follows, namely: -

Objects of  
University.

(a) to rejuvenate, cherish and disseminate the universal values, knowledge, wisdom and vision presented in Sanskrit language and literature and establish a progressive synthesis between ancient Indian wisdom and modern scientific thought in harmony with the needs of present and future:

(b) to extend the benefits of knowledge and skills for the development of individuals and society by promoting the study of *Sanskrit* and cognate discipline:

(c) to encourage develop and foster the ideals and values enshrined in the *Vedic* study and Sanskrit literature and *Shastras* in the Sanskrit and other ancient languages and to bring these ideals and values in harmony with the needs of present and future generation and project a progressive synthesis in the light of the insights contained in the Sanskrit and other ancient languages:

(d) to encourage, promote and conduct a system of education relevant to the studies of the Sanskrit literature with special emphasis on, -

(i) the traditional relationship between the teacher and the taught (*Guru-Shishya Parampara*):



- (ii) methods of studies and experimentation in which discipline (*anushashan*) and self-study (*swadhyaya*) are fundamental components; and
- (iii) development of faculties, not only of empirical and rational knowledge but also of higher modes of consciousness;
- (e) to create and develop facilities for the integral development of personality of students under an atmosphere conducive to the fostering of capacities and values of physical, vital, mental, moral, scientific, aesthetic and spiritual growth;
- (f) to provide facilities for teachers and students for learning-teaching processes so that individual attention to students is provided and objectives of scholarship and excellence are promoted;
- (g) to provide facilities for the study and practice of the traditional *Vedic* system of recitation from the early stage of education and to provide environment and facilities under which foundations of Sanskrit studies can be established among the young learners;
- (h) to develop and conduct teaching methodologies, practicable Sanskrit pedagogy for the benefit of educational innovations;
- (i) to provide facilities and programmes of studies centered on the cultural heritage of India leading to a harmonious synthesis of the East and the West;
- (j) to develop special courses of study of Sanskrit and to apprise the major contribution of the Sanskrit in the maintenance of the emotional integration of the nation and to conduct special courses of study and to undertake activities therefor;
- (k) to organise and conduct expositions, exhibitions and extension programmes related to the themes expounded in the *Veda-Vedanga* literature and other related literature for generating new thoughts and ideology in that context;
- (l) to provide facilities for studies and research in Indian classical languages; and other classical languages such as Greek, Latin, Avestan, old Persian and also foreign languages such as South Asian languages, English, French, German, Russian, Chinese, Japanese, Tibetan and encourage comparative study of these languages along with Sanskrit;
- (m) to promote interaction and co-ordination among Sanskrit *Pathashalas* to make the study of traditional type of Sanskrit teaching-learning more purposeful; and to effect a fusion between traditional and modern systems of Sanskrit education;
- (n) to establish special chair for the prosecution of studies in the Sanskrit and its literature and allied branches of the knowledge (*Vidya Sakha*) in Sanskrit;



- (o) to institute career oriented courses through continuing education, correspondence and distance education;
- (p) to establish the research centres and discover in the ancient Sanskrit literature, the existence of the principles, ideology which are propounded and contained in the humanities and modern sciences such as Physics, Chemistry, Medical Science, Bio-Medical, Surgical and related subjects and which aim at linking the past with the present and enables the nation to meet the challenges of the future;
- (q) to prepare and conduct special courses to integrate the *Ayurveda* with modern medicine, the *Vastu Shastra* with modern architecture, the *Arthashastra* with modern economics and political science, the *Vyakarana* with modern grammar and linguistics;
- (r) to establish the schools for languages and literature, philosophy, *veda-vedanga*, *Shikshaka-Prashikshana*, *Dharma Shastra* and such other schools as may be declared to be schools under the regulations.

5. Subject to the provisions of this Act, the University shall exercise the following powers and discharge the following functions, namely:-

Powers and  
functions of  
University.

- (a) to provide for instruction including correspondence courses, teaching and training in such branches of learning and courses of study, as it may think fit;
- (b) to make provisions for research in Sanskrit, post-graduate courses, conduct special and under-graduate courses, advancement and dissemination of knowledge;
- (c) to promote national integration and nourish cultural heritage;
- (d) to establish, maintain and manage University colleges, schools, departments and institutes of research or specialised studies;
- (e) to sanction affiliation, recognition and approval to the colleges, institutions and *Pathashalas*;
- (f) to withdraw or modify affiliation, recognition, or approval of educational institutions;
- (g) to organise language laboratories, libraries, museums and other equipments for teaching and to promote research;
- (h) to institute professorships, readerships, lecturerships and other posts of teachers required by the University;
- (i) to lay down the courses of instructions for the various examinations;

- (j) to institute degrees, diplomas, certificates and other academic distinctions and titles;
- (k) to hold examinations or tests and confer degrees and diplomas on, and grant certificates to, persons who –
  - (i) have pursued approved courses of study in the University or an affiliated colleges, unless exempted there from, in such manner as may be prescribed and have passed the examinations or tests prescribed by the University; or
  - (ii) to carry on research under such conditions as may be prescribed;
- (l) to confer honorary degrees or other academic distinctions in such manner as may be prescribed;
- (m) to withdraw or cancel any degree, diploma or certificate conferred or granted by the University in such manner as may be prescribed;
- (n) to associate or admit educational institutions with, or to be the privileges of the University by way of affiliation, recognition or approval;
- (o) to grant such diplomas and certificates to, and to provide such lectures, instructions and training to, persons who are not enrolled as students of the University on such conditions as may be prescribed;
- (p) to organise and conduct conferences, debates, discussions, seminars, symposia, workshops, refreshers courses and such other programmes at national and international level in furtherance of the objects of the University;
- (q) to maintain archives, libraries, information centres, data bank, museums and such other institutions which are useful for the furtherance of the objects of the University;
- (r) to collect, conserve, edit and publish ancient manuscripts, to conserve materials of archaeological values and importance and to reproduce the valuable works of the Sanskrit;
- (s) to accept donations, grants, gifts, or to borrow money from the Central Government, any State Government or from any individual, association or body corporate:

Provided that power to borrow moneys shall be exercise after obtaining previous approval of the State Government;

- (t) to institute, hold and manage endowments for the promotion of Sanskrit and to give financial and other assistance to deserving institutions or individuals engaged in the dissemination of Sanskrit

learning and to institute and award fellowships, scholarships and prizes in accordance with the Regulations for the promotion and propagation of Sanskrit;

- (u) to give financial and other assistance to institutions or individuals for the publication of literature through printing and electronic media which are conducive to the furtherance of the objects of the University;
- (v) to inspect colleges, recognised and approved institutions and to take measures to ensure that proper standards of instruction, teaching and training are maintained in them and that adequate library and laboratory provisions are made therein;
- (w) to lay down and regulate the salary scales, allowances and other conditions of service of the members of the teaching, other academic and non-teaching staff in the affiliated colleges, University colleges and recognised and approved institutions as per the rules of and guidelines of issued by the University Grants Commission;
- (x) to control and co-ordinate the activities of and to give financial aid to, University colleges; and University Departments;
- (y) to regulate the fees to be paid by the students in affiliated colleges, recognised and approved institutions;
- (z) to institute and award fellowship, traveling fellowships, scholarships, studentships, medals, prizes and other awards;
- (aa) to take disciplinary action against the teachers and students of the University and to impose such punishment upon them as may be deemed fit for the breach of discipline or misconduct, within or outside the University including the use of unfair means at an examination or in relation thereto by themselves or by any other persons or abatement thereof;
- (bb) to conduct, co-ordinate, supervise, regulate and control post-graduate teaching and research work in the University Departments and affiliated colleges and recognised and approved institutions;
- (cc) to, acquire, hold, manage and dispose of any property movable and immovable, including trust or endowed property within or outside the University and to invest any funds representing such property in such manner as the University thinks fit under the intimation to the State Government;
- (dd) to institute and manage,—
  - (i) Printing and Publication Department,
  - (ii) Information Bureau, and
  - (iii) Distance Education Department;



(ee) to make provisions,-

(i) for continuing education, adult education, extra-mural activities, extension services and other recognised educational activities,

(ii) for physical education, National Cadet Corps, National Services Scheme, National Sports Organisation and such other recognised activities, and

(iii) for yoga, sports, and athletic activities;

(ff) to co-operate with other University, authorities or associations or any other public or private bodies in such manner and for such purposes as the University may determine;

(gg) to raise public loans on security of the assets of the University for the purposes of the University with the previous approval of the State Government;

(hh) to generate resources by frugal and productive utilisation of the University resources;

(ii) to organise the projects and programmes for making the Sanskrit languages to be a language of mass for conversation;

(jj) to establish within the University area or without the area such field stations, campuses, specialised laboratories and other units for research and instructions and for post-graduate studies in a specialise subjects;

(kk) to guide and regulate teaching and research work in University colleges, University Departments and recognised institutions;

(ll) to enforce and maintain discipline among the teachers, students, officers and staff and to make necessary arrangements for their welfare;

(mm) to fix and collect fees and other charges as may be prescribed by the regulations;

(nn) to supervise and control the residence and regulate the conduct and discipline of students of the University and to make arrangements for promoting their health and general welfare and cultural activities;

(oo) to do all such other acts and things whether they are incidental to the aforesaid powers and functions or not, as may be necessary in order to further the objects of the University or which may be incidental or ancillary to achieve these objects.



6. (1) No person shall be excluded from any office of the University or from membership of any of its authorities or from admission to any degree, diploma or other academic distinction or course of study on the sole ground of sex, race, creed, caste, class, place of birth, religious belief, or political or other opinion. University open to all irrespective of sex, religion, class, creed or opinion.

(2) It shall not be lawful for the University to impose on any person any test whatsoever relating to sex, race, creed, caste, class, place of birth, religious belief or profession or political or other opinion in order to entitle him to be admitted as a teacher or a student or to hold any office or post in the University or to qualify for any degree, diploma or other academic distinction or to enjoy or exercise any privileges of the University or any benefaction thereof.

7. (1) All teaching works recognised by the University shall be conducted either, - Teaching in University.

- (a) in the University, or
- (b) in the affiliated colleges, or
- (c) in the recognised or approved institutions, or
- (d) such other places or centres which are recognised by the University, where such courses are conducted.

(2) The courses of study and other activities as may be prescribed shall be observed by the University, affiliated colleges, recognised and approved institutions, recognised places or centres.

8. (1) The Chancellor shall have the right to cause an inspection to be made by such person or persons as he may direct, of the University, its buildings, laboratories, libraries, museums, workshops and equipments of any college or hostel maintained, recognised or approved by, or affiliated to the University, of the teaching and other work conducted by the University and of the conduct of examination held by the University and to cause an inquiry to be made in respect of any matter connected with the University. The Chancellor shall in every case give notice to the University of his intention to cause an inspection or inquiry to be made and the University shall be entitled to be represented thereat. Inspection and inquiry.

(2) The Chancellor shall communicate to the Executive Council his views with reference to the results of such inspection or inquiry and shall, after ascertaining the opinion of the Executive Council, advise the University on the action to be taken.

(3) The Executive Council shall report to the Chancellor such action, if any, as it has taken or may propose to take upon the results of the inspection or inquiry. Such report shall be submitted within such time as the Chancellor may direct.

### CHAPTER III OFFICERS OF UNIVERSITY

9. The following shall be the officers of the University, namely:- Officers of University.

- (i) The Chancellor,
- (ii) The Vice-Chancellor,
- (iii) The Deans of Faculties,

- (iv) The Director (Research),
- (v) The Registrar,
- (vi) The University Librarian,
- (vii) The Finance and Accounts Officers, and
- (viii) Such other officers in the service of the University as may be declared by the regulations to be the officers of the University.

**Chancellor.** 10. (1) The Governor of the State of Gujarat shall be the Chancellor of the University.

(2) The Chancellor shall, by virtue of his office, be the head of the University and shall, when present, preside at any convocation of the University.

(3) The Chancellor shall have such other powers as may be conferred on him by this Act or the regulations.

**Vice-Chancellor.** 11. (1) The Vice-Chancellor shall be appointed by the State Government.

(2) The Vice-Chancellor shall be a person of eminence having distinguished himself in the areas such as *Sanskrit*, *Prakrit* and ancient Asian languages and literature. He shall be a person of vision and subscribe to the objectives and philosophy of the University and shall be interested in academics.

**Appointment of Vice-Chancellor.** 12. (1) (a) To recommend a panel of three suitable persons for the appointment of the Vice-Chancellor, the State Government shall constitute a Committee consisting of three members, out of whom,-

(i) one shall be nominated by the Chancellor who shall be an expert from academics in the field of Indology;

(ii) one shall be the scholar in the field of Sanskrit and ancient literature nominated by the Vice-Chancellor of the Universities established by law in the State;

(iii) one shall be an expert in the field of Sanskrit and its literature nominated by the Executive Council and the Academic Council jointly in such manner as may be prescribed by the Regulations.

(b) The State Government may nominate one of the members as the Chairman of the said Committee.

(c) A person nominated on the Committee shall not be eligible to accept any appointment on any post, honorary or otherwise, or nomination on any of the authorities or bodies of the University, for a period of two years from the date of such nomination.

(2) (a) The Committee shall, within the period of eight weeks of the constitution prepare a panel of three eminent scholars whom it considers worthy of being appointed as Vice-Chancellor, and shall recommend the panel to the State Government, with such other particulars as may be prescribed by the



regulations with the names of the persons so recommended in alphabetical order of surnames and without indicating any preference.

(b) The State Government may accept the recommendation of the committee or seek a fresh recommendation from the same committee or require the committee to make change in its members or reconstitute the committee.

(c) If the person so appointed as the Vice-Chancellor happens to be a member or an office bearer of any political party or any trade union or staff association or such other bodies or holds the office in any statutory public body or of a body of local self-Government, he has to tender his resignation therefrom, under an intimation to the Chancellor and the State Government, before accepting the appointment.

(3) Subject to the provision of sub-section (4), the State Government shall appoint, one of the persons from the panel as the Vice-Chancellor:

Provided that no person shall be appointed as the Vice-Chancellor or held his office as such after the completion of the age of sixty-five years.

(4) The Vice-Chancellor shall hold office for a term of three years and he shall be eligible for reappointment as the Vice-Chancellor for a further term of three years only. He shall also not be eligible for appointment as an officer or member of any authority of the University after expiry of the term of his office.

(5) The terms and conditions of service and the emoluments to be paid to the Vice-Chancellor shall be such as may be determined by the State Government.

(6) (a) During the leave or absence of the Vice-Chancellor, or

(b) in the event of resignation or a permanent vacancy in the office of the Vice-Chancellor until an appointment is made under sub-section (3) this section to that office.

(7) The State Government shall nominate the Director (Research) or one of the Deans of the Faculties as the Vice-Chancellor for the purpose of carrying on the current duties of the office of the Vice-Chancellor.

(8) The Vice-Chancellor may, by writing under his signature, addressed to the State Government after giving one month's notice, resign from his office and shall cease to hold office on the acceptance of his resignation by the State Government or from the date of expiry of the said notice period, whichever is earlier.

13. (1) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall be *ex-officio* member and the Chairman of the Executive Council, the Academic Council, the Finance and Accounts Committee and such other authorities as constituted under the regulations, and in the absence of the Chancellor, shall preside at any convocation of the University.

Powers and  
duties of Vice-  
Chancellor.

(2) The Vice-Chancellor shall be responsible for the development and monitoring of the academic programmes and also the general administration of the University, to ensure efficiency and order and enhance the reputation of the University.

(3) The Vice-Chancellor shall have the power to convene meetings of any of the authorities, bodies or committees, as and when he considers it necessary to do so.

(4) It shall be the duty of the Vice-Chancellor to ensure that the provisions of this Act, regulations and that the decisions of the authorities, bodies and committees are properly implemented which are not inconsistent with this Act or Regulations.

(5) (a) In any emergency which, in the opinion of the Vice-Chancellor, requires that immediate action should be taken, he shall take such action as he deems necessary. He shall report to the Executive Council and the State Government such action with grounds for his belief that there was an emergency.

(b) When action taken by the Vice-Chancellor under this subsection affects any person in the service of the University, such person shall be entitled to prefer an appeal through the said authority or body to the Executive Council within fifteen days from the date on which such action is communicated to him.

(6) Where any matter is required to be regulated by the regulations, but no regulations are made in that behalf, the Vice-Chancellor may, for the time being, regulate the matter by issuing such directions as he thinks necessary and shall, in the ensuing meeting thereafter, place the directions before the Executive Council or the authority or body concerned for information and at the same time, place before such authority or body for consideration the draft of the regulations, as the case may be, required to be made in that behalf.

(7) The Vice-Chancellor shall be the appointing and disciplinary authority for the University teachers and for officers of the University of the rank equivalent to the Assistant Registrar and above, on the recommendations of the selection committee constituted for the said purpose.

(8) The Vice-Chancellor may suspend a member as the Chairman of the authority, body or committee of the University, from the meeting of the authority, body or committee if such member persists in obstructing or stalling the proceedings of such authority, body or, as the case may be, committee or indulges in behaviour unbecoming of a member and shall report the matter accordingly to the Chancellor.

(9) The Vice-Chancellor shall place before the Executive Council a report of the work of the University periodically.

(10) The Vice-Chancellor shall exercise such other powers and perform such other duties as may be conferred upon him by or under this Act and Regulations.



(11) (a) The Vice-Chancellor shall have the right to cause an inspection or inquiry on such matters and in such manner as may be prescribed.

(b) After making such inspection or inquiry, the Vice-Chancellor may take such action, as he thinks fit, in consultation with the Executive Council.

14. (1) The Registrar shall be appointed by the Vice-Chancellor in the manner as may be prescribed under section 18.

Registrar, his powers and functions.

(2) The Registrar shall be the Chief Administrative Officer of the University. He shall be a full-time salaried officer and shall act as the Member-Secretary of the Executive Council, Academic Council and such other authorities, bodies and committees and of the University in accordance with the regulations made in this behalf and his condition of service and emoluments to be paid shall be determined by the regulations.

(3) The Registrar shall make all necessary arrangements relating to conduct of examinations such as preparation of schedule of examinations, preparation of the list of paper setters and examiners, evaluation work, declaration of results and matters incidental and related thereto.

(4) The Registrar shall be the custodian of records, common seal and such other property of the University as the Executive Council may commit to his charge.

(5) The Registrar shall exercise such other powers and perform such other functions and duties as may be prescribed by or under this Act or assigned to him, from time to time, by the Vice-Chancellor.

15. (1) The University shall appoint a person as the Director (Research) who shall be the whole time salaried officer of the University and shall subject to the provisions of the Act and the regulations made in this behalf, and exercise such powers and perform such duties as the University may assign. He shall discharge his functions under the directions and control of the Vice-Chancellor.

Director (Research).

(2) He shall supervise and monitor working and maintenance of the institutes of research or specialised studies and shall report to the Executive Council, periodically.

16. (1) The University Librarian shall be appointed by the Vice-Chancellor in the manner prescribed under section 18. The University Librarian shall be the principal officer of the University. He shall be a full time salaried officer of the University.

University Librarian.

(2) The University Librarian shall exercise such other powers and perform such other duties as may be prescribed and assigned to him by the Vice-Chancellor.

17. (1) (a) The Finance and Accounts Officer shall be appointed by the Vice-Chancellor in the manner prescribed under section 18;

Finance and Accounts Officer, its powers and functions.

(b) The Finance and Accounts Officer shall be the principal finance officer of the University. He shall be a full time salaried officer and shall work directly under the control of the Vice-Chancellor.

(2) The Finance and Accounts Officer shall be the Member-Secretary of the Finance and Accounts Committee.

(3) The Finance and Accounts Officer shall have the right to be present, speak and otherwise take part in the proceedings of the Executive Council on matters having financial implication, but shall not be entitled to vote.

(4) The Finance and Accounts Officer shall maintain minutes of the meetings of the Finance and Accounts Committee and shall ensure proper implementation of the decision taken by the Finance and Accounts Committee.

(5) The Finance and Accounts Officer shall be responsible for presenting the annual budget, statement of accounts and audit reports, to the Finance and Accounts Committee and to the Executive Council.

(6) The duties of the Finance and Accounts Officer shall be to,-

- (i) exercise general supervision over the funds of the University and advise the Vice-Chancellor as regards the finances of the University;
- (ii) hold and manage the funds, property and investments, including trust and endowed property, for furthering any of the objects of the University;
- (iii) ensure that the limits fixed by the University for recurring and non-recurring expenditure for a year are not exceeded, and that all allocations are expended for the purposes for which they are granted or allotted;
- (iv) keep watch on the state of the cash and bank balances and of investments;
- (v) keep watch on the progress of collection of revenue and advise the Vice-Chancellor on the methods to be employed for collection;
- (vi) have the accounts of the University audited regularly;
- (vii) ensure that the registers of buildings, land, equipments and machinery are maintained in order and that the stock taking of equipments and other consumable materials in all offices, colleges, workshops and stores of the University is conducted regularly;
- (viii) call for from any office, centre, laboratory, college or department of the University or University institution, any information and returns that he thinks necessary for the proper discharge of his financial responsibilities; and
- (ix) exercise such other powers, perform such other duties and discharge such other financial functions as are assigned to him by the Vice-Chancellor from time to time.

18. (1) The Registrar, the Director (Research), the University Librarian and the Finance and Accounts Officer shall be appointed on being selected by the Selection Committee constituted under clause (ii) of sub-section (2).

Manner of  
appointment  
of Registrar,  
Director  
(Research)  
University  
Librarian,  
Finance and  
Accounts  
Officer.

(2) The appointment of the officers referred to in sub-section (1) shall be made in accordance with the following provisions, namely:-

(i) The appointment to the post of the Registrar, the Director (Research) and the University Librarian shall be made by direct selection on the basis of the guidelines of the University Grants Commission and the appointment of the Finance and Accounts Officer shall be made either by direct selection or by deputation of an officer from the State Government in accordance with the rules for the time being in force.

(ii) The State Government shall constitute a Selection Committee consisting of the following members, namely:-

- (a) the Vice-Chancellor who shall be the Chairman,
- (b) an officer nominated by the State Government, and
- (c) four persons having knowledge and experience in the subjects related to the officer to be selected, nominated by the Vice-Chancellor,
- (d) one member shall be nominated by the Executive Council.

(iii) The Selection Committee shall not select a person for appointment unless at least two out of four persons referred to in sub-clause (c) of clause (ii) are present at the time of the process of selection by the committee.

(iv) The person selected by the committee shall be appointed after obtaining concurrence from the State Government.

(v) The qualifications and emoluments to be paid to the officers referred to in clause (i) shall be such as recommended by the University Grants Commission in the case of the Registrar, the University Librarian and in the case of the Director (Research) the Finance and Accounts Officer shall be such as approved by the State Government from time to time.

#### CHAPTER IV AUTHORITIES OF UNIVERSITY.

19. The following shall be the authorities of the University, namely:-

Authorities of  
University .

- (i) the Executive Council,
- (ii) the Academic Council,
- (iii) the Faculties,
- (iv) the Finance and Accounts Committee,
- (v) such other Boards and bodies of the University as may be declared by the regulations to be authorities of the University.

Executive  
Council.

20. (1) The Executive Council shall be the principal executive authority of the University and shall consist of the following members, namely:-

- (i) the Vice-Chancellor - *ex-officio*, the Chairman;
- (ii) the Secretary to Government, Education Department, Government of Gujarat, *ex-officio*;
- (iii) the Commissioner of Higher Education, Gujarat State or an officer not below the rank of the Joint Director of Higher Education nominated by the Commissioner, *ex-officio*;
- (iv) two eminent persons to be nominated by the Chancellor from amongst persons who have made significant contribution in the field of Sanskrit and its literatures;
- (v) two distinguished scholars to be nominated by the State Government from amongst persons who have made significant contribution in the field of Sanskrit and its literature;
- (vi) one Dean of the Faculty nominated by the Vice-Chancellor from amongst the Deans of Faculties by rotation in such manner as may be prescribed;
- (vii) one of the principal of the colleges nominated by the Vice-Chancellor amongst the principals of the colleges in such manner as may be prescribed.

(2) The term of the nominated members of the Executive Council shall be for a period of three years.

Powers and  
duties of  
Executive  
Council.

21. (1) The Executive Council shall exercise the following powers and perform the following duties, namely:-

- (i) to hold, control and administer the property and funds of the University;
- (ii) to enter into, vary, carry out or cancel contracts on behalf of the University;
- (iii) to determine the form and provide for the custody and regulate the use of the common seal of the University;
- (iv) to pass the annual financial estimates of the University;
- (v) to sanction re-appropriation of grant or fund from one head to another head, limited to twenty-five per cent. of the total allocation made under the concerned heads;
- (vi) to accept, on behalf of the University, trusts, endowments, bequests, donations and transfer of any movable or immovable property to the University;



- (vii) to manage and regulate the finances, accounts and investments of the University;
- (viii) to fix, demand and receive such fees and other charges as may be prescribed by the regulations in accordance with the guidelines prescribed by the State Government;
- (ix) to create post of teachers, other employees and officers other than Chancellor, the Vice-Chancellor and to lay down and regulate pay-scales, allowances and conditions of service of such teaching, non-teaching staff and other employees and officers;
- (x) to borrow, with the approval of the State Government whether on the security of the property of the University or otherwise moneys for the purposes of the University;
- (xi) to acquire and hold property both movable and immovable and to sanction the transfer, lease and mortgage, sale or disposal of the same under the intimation to the State Government;
- (xii) to cause an inspection or an inquiry to be made in respect of any matter concerning the conduct, working and finance of colleges, institutions or departments of the University;
- (xiii) to regulate and provide for attendance of the teachers on the premises of the University or colleges or institutions during teaching hours and beyond teaching hours and to prohibit teachers from taking or conducting private tuition or private coaching classes;
- (xiv) to establish, maintain and manage, whenever necessary-
  - (a) Information Bureau,
  - (b) Distance Education Department, Continuing Education Department, and
  - (c) such other activities, as may be necessary and possible, to fulfill the objects of the University;
- (xv) to co-operate or collaborate with any other University, institution, authority or organisation for research and advisory services, and for such purposes to enter into appropriate agreement with them to conduct certain courses as the situation may demand;
- (xvi) to evolve an operational scheme for ensuring accountability of teachers, non-vacation academic staff and non-teaching staff of the University, institutions and colleges;
- (xvii) to build and recognise hostels and inspect such hostels and to withdraw recognition;
- (xviii) to institute and award fellowships, travelling fellowships, scholarships, studentships, exhibitions, medals and prizes;

- (xix) to fix remuneration of examiners and to arrange for the conduct and for publishing the results of the University examinations and other tests;
- (xx) to make provisions for instruction, teaching and training in such branches of learning and courses of study as it may think fit, for research and for the advancement and dissemination of knowledge;
- (xxi) to make such provisions which will enable affiliated or recognised or approved institutions to undertake specialisation in studies;
- (xxii) to organise and make provisions for language laboratories, libraries, archives, museums and other equipments for teaching and research;
- (xxiii) to establish, manage and maintain departments, colleges, schools, institutions of higher learning and institutions of research and specialised studies, library and hostels;
- (xxiv) to institute and confer degrees, titles, diplomas and other academic distinctions and to recommend for and conferment of honorary degrees and academic distinctions in such manner as may be prescribed;
- (xxv) to make, amend or repeal the regulations;
- (xxvi) to make provisions relating to the use of *Sanskrit*, Gujarati and English languages, as the media of instruction and examination;
- (xxvii) to assess the feasibility of and take decision on proposals for affiliation of a college or a recognition or approval of institution, a University department or a University college entitling it to privileges in the matters of admission of students, prescribing the courses of study, imparting instruction, teaching and training in the courses of study, the holding and conduct of examination and power to make necessary rules for the purpose and withdrawal thereof;
- (xxviii) to assess the feasibility of proposals received from the Academic Council for new academic programmes and courses and approve diplomas, degrees, certificates and other academic distinctions;
- (xxix) to arrange for, and to direct, the inspection of affiliated colleges, recognised institutions, approved institutions and hostels, to issue instructions for maintaining their efficiency and for ensuring proper conditions of employment for members of their staff, and in case of disregard of such instruction to modify the conditions of their affiliation or recognition or to take such other steps as deemed proper;
- (xxx) to supervise and control the residence, conduct and discipline of the students of the colleges, University departments and recognised and approved institutions and arrangements for promoting their health and general welfare and disciplinary action against the students;
- (xxxi) to recommend to the State Government for the withdrawal or reduction of grant to a college which makes default in carrying out the conditions of affiliation;

(xxxii) to recognise a member of the staff of an affiliated college or recognised institution or approved institution as a professor, a reader, a lecturer or a teacher of the University and withdraw such recognition;

(xxxiii) to exercise such other powers and perform such other duties as may be conferred or imposed on it by this Act or under the regulations;

(xxxiv) to exercise all powers of the University not otherwise provided for in this Act or the Regulations and all other powers which are required to give effect to the provisions of this Act or the Regulations.

(2) The exercise of powers by the Executive Council under sub-section (1) in so far as they relate to the laying down and regulating the salary scales and allowances, borrowing moneys, transferring, leasing, selling or disposing, mortgaging of any property of the University and creating posts, shall be subject to the prior approval of the State Government, if the expenditure is to be met with from Government fund.

(3) The powers and duties by the Executive Council in all academic matters under sub-section (1) shall not be exercised except upon the recommendation made by the Academic Council.

22. (1) The Academic Council shall be the academic body of the University and shall consist of the following persons, namely:-

Academic Council.

- (i) the Vice-Chancellor - *ex-officio*, Chairman,
- (ii) the Secretary to Government, Education Department, *ex-officio*,
- (iii) the Commissioner of Higher Education, Gujarat State or an officer not below the rank of the Joint Director of Higher Education nominated by the Commissioner, *ex-officio*,
- (iv) the Commissioner of Schools, Gujarat State or an officer not below the rank of the Joint Director of Schools Education,
- (v) the Chairman, Gujarat State Examination Board, *ex-officio*,
- (vi) five eminent persons to be nominated by the Chancellor who have made significant contribution in the field of Sanskrit, out of whom one shall be a woman and one shall be an eminent person from out of the State of Gujarat,
- (vii) five distinguished persons to be nominated by the State Government from amongst distinguished or eminent persons who have made significant contribution in the field of Sanskrit and its literature, out of whom one shall be a woman and one shall be a distinguished person from out of the State of Gujarat,
- (viii) two eminent scholars to be nominated by the Vice-Chancellor,

- (ix) four Deans of Faculties to be nominated by the Vice-Chancellor from amongst the Deans of Faculties by rotation in such manner as may be prescribed,
- (x) one principal of the college nominated by the Vice-Chancellor from amongst the principals of the colleges by rotation in such manner as may be prescribed,
- (xi) one teacher of the affiliated college nominated by the Vice-Chancellor from amongst the teachers of the affiliated colleges,
- (xii) one teacher of the recognised or approved institution nominated by the Vice-Chancellor from amongst the teachers of the recognised or approved institution,
- (xiii) one woman teacher of the affiliated college, recognised or approved institution from amongst the women teachers of the affiliated colleges, recognised or approved institutions,
- (xiv) the Director (Research).

(2) As soon as the Academic Council is constituted under sub-section (1), it may co-opt two eminent persons who are experts in any of the subjects taught in the University, as its additional members, whether they are or are not connected with the University as its members, teachers or otherwise.

(3) The term of office of the nominated members of the Academic Council shall be for a period of three years.

**Powers and duties  
of Academic  
Council.**

23. (1) The Academic Council shall have the control and general regulation of, and be responsible for, the maintenance of the standards of teaching and examinations conducted by the University.

(2) Without prejudice to the generally of the foregoing provisions and subject to such conditions as may be prescribed by or under the provisions of this Act, the Academic Council shall consider, approve the draft regulations and recommend the Executive Council to make regulations on the following matters, namely:-

- (i) academic matters including laying down courses of study in the different subjects, as proposed by the concerned Faculty;
- (ii) special courses of study as proposed by the Faculty;
- (iii) co-ordination of studies and teaching in affiliated colleges, recognised institutions and approved institutions;
- (iv) allocation of subjects to the Faculties;
- (v) the establishment of Faculties, University Departments, institutions of research and specialised studies, libraries and language laboratories;



- (vi) the institution of professorships, readerships, lectureships and any other posts of teachers required by the University and for prescribing the duties of such posts;
- (vii) the institution of fellowships, traveling fellowships, scholarships, studentships and medals and other awards and to make regulations for their award;
- (viii) the conduct of examinations of the University and the conditions on which students shall be admitted in such examination;
- (ix) the equivalence of examinations;
- (x) the manner of grant of exemption from approved courses of study in the University or in affiliated colleges for qualifying for degrees, diplomas and certificates;
- (xi) affiliation of a college and recognition or approval of an institution;
- (xii) the institution, conferment and grant of degrees, diplomas and certificates and the conferment of honorary degrees and other academic distinctions, in such manner as may be prescribed.

(3) The Academic Council shall promote research in the subject taught in the University and such other matters as may be prescribed.

(4) The Academic Council shall exercise such other powers and perform such other duties as may be conferred or imposed on it by this Act and regulations.

24. (1) The University shall have the following Faculties:-

Faculties.

- (a) Faculty of *Sahitya* (including *Vedic* study, Sanskrit language and its literature),
- (b) Faculty of *Darshan* ( Indian Philosophy),
- (c) Faculty of Indian culture and Fine Arts including tradition of folklore of the State of Gujarat,
- (d) Faculty of Teachers' training (*Shikshak-Prashikshan*),
- (e) Faculty of modern science and ancient *shastras* (such as *Dharmashastra*, *Puranas*, *Ayurved*, *Astronomy*, *Manuscriptology*, *Epigraphy*, *Physics* and *Chemistry*),
- (f) Such other Faculties as may be prescribed to meet with the objects and functions of the University,
- (g) Faculty of a comparative study.

Each faculty shall comprise of such subjects as may be prescribed by the regulations.

(2) Each Faculty shall consist of –

- (i) Dean of the Faculty, who shall be nominated by the Vice-Chancellor from amongst University teachers and college teachers by rotation in such manner as may be prescribed,
- (ii) three teachers nominated by the Vice-Chancellor from the University Departments other than the Dean of Faculty and colleges,
- (iii) two persons to be co-opted by the Faculty in respect of each Department in the Faculty from amongst such persons who are experts in the subjects dealt with by the Department.

(3) The term of the office of a member of a Faculty shall be such as may be prescribed by the regulations.

Powers and  
duties of the  
Faculty.

25. (1) Each Faculty shall have the general control and power of regulation of, and be responsible for, the maintenance of standards of teaching and examinations of the University for subjects comprised in it.

(2) Without prejudice to the generality of the foregoing provisions and subject to such conditions as may be prescribed by or under the provisions of this Act, the Faculty shall consider and refer the following matters to the Academic Council for recommending the Executive Council to make regulations on those matters, namely: -

- (i) laying down courses of study in the Faculty;
- (ii) the special courses of study in the Faculty;
- (iii) the standards of passing the relevant examinations in the Faculty and for awarding classes at such examinations;
- (iv) for promoting research in the subjects assigned to the Faculty;
- (v) allocation of subjects to the Faculty;
- (vi) the establishment of departments, institutions of research and specialised studies, libraries, laboratories and museums concerned with the Faculty;
- (vii) the institution of professorships, readerships, lectureships and any other posts of teachers in the Faculty and for prescribing the duties of persons occupying such posts;

- (viii) the institution of fellowships, traveling fellowships, scholarships, studentships, medals, prizes and other awards and to make Regulations for their grant;
- (ix) the maximum workload of teachers, the minimum teaching work for every subject and the minimum laboratory work and any other prescribed work to be done by students for any subject in the Faculty;
- (x) the equivalence of examinations;
- (xi) the manner for granting exemption from approved courses of study in the University or in affiliated colleges for qualifying for degrees, diplomas and certificates in the Faculty;
- (xii) to refer such other matters for the furtherance of the objects of the University.

26. (1) The Vice-Chancellor shall nominate Dean of each Faculty by rotation in such manner as may be prescribed from amongst persons who are the Heads of University Departments.

Deans of  
Faculties.

(2) The Dean shall hold office for a term of three years.

(3) The Dean shall be the principal executive authority of the Faculty, and shall exercise the following powers and discharge the following duties, namely:-

- (i) he shall be the Chairperson of the Faculty and shall preside at its meetings;
- (ii) he may attend the meeting of the Faculty;
- (iii) he shall supervise and co-ordinate the work of the different the Faculty;
- (iv) he shall plan and organise seminars, refresher courses and workshops, pertaining to the subjects under the Faculty;
- (v) he shall inspect and guide the University Departments, affiliated colleges, recognised institutions and approved institutions in respect of subjects under the Faculty; and in case where he considers it necessary to do so, also make a report of such inspection to the Vice-Chancellor;
- (vi) he shall be responsible for the due observance of the Regulations relating to the Faculty.

Finance and  
Accounts  
Committee  
and its  
functions.

27. (1) The University shall constitute a Finance and Accounts Committee.

(2) The constitution of committee, the term of office of its members and the procedure to be followed by it shall be such as may be prescribed.

(3) The Finance and Accounts Committee shall discharge the following functions, namely:-

- (a) to review the expenditure incurred by the University;
- (b) to ensure proper utilization of the money by the University according to budget provisions;
- (c) to review the position of financial resources of the University;
- (d) to formulate budget programmes;
- (e) to recommend economy in administrative expenses;
- (f) to perform such other functions relating to accounts and audit of the revenue and expenditure of the University as may be assigned to it by the Executive Council; and
- (g) to advise the Executive Council in financial matters whenever such advice is sought by the Executive Council.

## CHAPTER V FINANCE

University  
Fund.

28. (1) The University shall establish a fund to be called the University Fund.

(2) The following shall form part of, or be paid into, the University Fund:-

- (a) any contribution or grant by the State Government, the Central Government, or the University Grants Commission;
- (b) The income of the University from all sources including income from fees and charges;
- (c) loans, gifts, donations, endowments, benefactions, bequests and other grants, if any, or transfers;
- (d) any sum borrowed from the banks with the permission of the State Government;
- (e) all moneys received by the University in any other manner or from any other source.



(3) The University Fund shall be kept in any Scheduled Bank as defined in the Reserve Bank of India Act, 1934 at the discretion of the Executive Council on the recommendations of Finance Committee.

II of 1934.

(4) The funds of the University shall be applied towards the expenses of the University including expenses incurred in the exercise of its powers and discharge of its functions in such manner as may be prescribed.

29. (1) The annual accounts of the University shall be prepared and audited under the direction of the Finance Committee and shall be submitted to the Executive Council for review.

Annual Accounts, audit and financial estimates.

(2) The Executive Council shall, after the accounts are audited, submit a copy thereof along with a copy of the audit report to the State Government.

(3) The Executive Council shall, having regard to the Government grants that are likely to be available, prepare before such date as may be prescribed, the financial estimates for the ensuing year.

(4) The annual accounts shall be considered by the Executive Council at its meeting and may pass resolutions with reference thereto and communicate the same to the Finance Committee which shall take them into consideration and take such action thereon as it thinks fit, and finally adopt the accounts. The Finance Committee shall inform the Executive Council at its next meeting of the action taken by it or if no action is taken, the reasons for taking no action.

(5) The State Government may conduct the test audit or full audit of the accounts of the University by the auditors appointed by the State Government, when it requires so to do.

30. The University shall prepare for each financial year, the annual report of the University in such form, containing such particulars, as the Executive Council may specify and shall be submitted to the State Government.

Annual report.

## CHAPTER VI SUPPLEMENTARY PROVISIONS

31. Save as otherwise provided by or under this Act, the conditions of services including pay and allowances of officers, teachers, teaching and non-teaching employee, of the University, colleges, recognised and approved institutions shall be such as may be prescribed.

Conditions of service.

32. (1) Any officer or employee of University may be suspended, reduced in the rank, removed or his services may be terminated in case of his proved misconduct, improper behavior, negligence in duty, or in case of charges of corruption, mismanagement, wilful default, behavior unbecoming of an officer, or involvement in any kind of activity detrimental to the interests of University at large being proved:

Provisions relating to disciplinary actions for officers and employees of University.

Provided that no officer or employee shall be suspended, reduced in the rank, removed or his services may be terminated by the University unless,-

- (i) an opportunity of being heard is given by the University; and
- (ii) prior concurrence of the State Government is obtained.

(2) An appeal against an order of suspension, reduction in the rank, removal or termination passed under sub-section (1) shall lie to such authority and in such manner as may be prescribed.

Returns  
and information.

**33.** The University shall furnish to the State Government, the University Grants Commission and other statutory authorities such reports, returns, statements and other information as may be required by them from time to time.

Power of  
State  
Government  
to issue  
directions.

**34.** (1) The State Government shall have power to issue directions to the University, from time to time, as may be required for compliance of the provisions of this Act and the regulations.

(2) Without prejudice to the provisions of sub-section (1), the State Government may issue directions, when it requires, in regard to the following matters, namely:-

- (a) fees and charges;
- (b) raising of funds and borrowing money;
- (c) creation of posts and appointments;
- (d) revision of pay-scales and up-gradation of scales.

Acts and  
proceedings  
not to be  
invalidated  
by vacancies.

**35.** No act or proceeding of any authority of the University or any committee constituted under this Act or by the regulations shall be invalidated merely by reason of,-

- (a) any vacancy in its membership or any defect in the constitution thereof, or
- (b) any irregularities in its procedure not affecting merits of the case.

Protection  
of action  
taken in  
good faith.

**36.** No suit or other legal proceedings shall be instituted against or no damages or compensation shall be claimed from, the University, the Director, the authorities or officers of the University or any other person in respect of anything which is done in good faith or purporting to be done in pursuance of this Act or regulations made thereunder.

Officers  
and  
employees  
to be  
public  
servants.

**37.** Every officer, teacher and other employees of the University shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860.

45 of 1860.

*Explanation.-* For the purposes of this section, any person, who is appointed by the University for a specified period or for a specified work of the University or, who receives any remuneration by way of compensatory allowance or fee for any work done from the University Fund, shall be deemed to be an officer or employee of the University while he is performing and in relation to all matters relating to the performance of the duties and functions connected with such appointment of work.



38. If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by an order published in *the Official Gazette*, make such provisions not inconsistent, with the provisions of this Act, as appear to be necessary or expedient for removing the difficulty:

Power of State Government to remove difficulties.

Provided that no such order shall be made under this section after the expiry of five years from the commencement of this Act.

39. When any vacancy occurs in the office of a member, (other than an *ex-officio* member) of any authority or other body of the University before the expiry of the term such vacancy shall be filled up, as soon as conveniently may be, by the nomination, appointment or co-option, as the case may be, of a member who shall hold office so long only as the member in whose place he has been nominated, appointed or co-opted, would have held it, if the vacancy had not occurred.

Filling up of casual vacancies.

40. When the office of the Registrar, the Director (Research), the University Librarian or the Finance and Accounts officer fall vacant or when the Registrar, the Director (Research), the University Librarian or the Finance and Accounts officer by reason of illness or absence or due to any other reasons unable to perform the duties of his office, the Vice-Chancellor may appoint a suitable person to officiate to the respective post, until the respective officer is appointed and assumes office or, as the case may be, the respective officer resumes duties.

Filling up of casual vacancies of Registrar, Director (Research), University Librarian or Finance and Accounts Officer.

41. The University shall make provisions for the benefit of its officers, teachers and other employees in such matters as insurance, pension, provident fund or other benefits as it may deem fit, in such manner and subject to such conditions as may be prescribed.

Pension, insurance and provident fund.

42. (1) The governing body of any affiliated college shall make adequate provisions for the benefit of the members of the teaching and of other academic and non-teaching staff of such college or of staff of recognised or approved institution in the matters of pension, insurance and provident fund or for other benefits.

Pension, insurance and provident fund of staff of colleges, etc.

(2) The subscription of a member of a teaching staff and of, other academic and non-teaching staff of an affiliated college or of a recognised institution towards his provident fund and the contribution, if any, of the college or, as the case may be, of the institution towards the fund shall be deposited in such manner and within such time as may be prescribed, in a Scheduled Bank as defined in the Reserve Bank of India Act, 1934.

II of 1934.

43. (1) Where the University has established a provident fund for the benefit of its officers, teachers and other servants, such fund shall, notwithstanding anything contained in any law for the time being in force, be deposited in the State Government treasury in accordance with such direction as the State Government may, from time to time, by an order in writing give, and thereupon –

Provident fund to be deposited in Government treasury.

- (i) the subscriber to the fund shall be entitled to interest on the balance in his provident fund account at the same rate at which the State Government servant is for the time being entitled to on the balance in his provident fund account, and
- (ii) the rules for the time being in force relating to the limits of withdrawals from the provident fund as applicable to such Government servant shall, so far as may be, apply to the subscriber.

(2) Nothing in this section shall apply to a Provident Fund established by the University to which the Employee's Provident Funds and Miscellaneous Provisions Act, 1952 applies.

X of 1952.

## CHAPTER VII COMMITTEES

**Committees.** 44. (1) The University may for the purposes of carrying out the provisions of the Act, constitute such committees, as may be required by it.

(2) The constitution of such committee, the term of office of its members and its powers and functions shall be such as may be prescribed.

## CHAPTER VIII ENROLMENT AND DEGREES

**Qualifications for enrolment of students of University.** 45. No student shall be enrolled as a student of the University unless he has passed --

- (i) the Higher Secondary School Certificate Examination conducted by the Gujarat Secondary and Higher Secondary Education Board in such subjects and with such standards of attainment as may be prescribed, or
- (ii) the entrance examination, if any, which may be instituted by the University with the consent of the State Government and held in such subjects and in such manner as may be prescribed, or
- (iii) the *Madhyama* in Sanskrit (equivalent to Higher Secondary School Certificate) conducted by the Gujarat State Examination Board, or
- (iv) any other examination prescribed as equivalent to the examinations referred to in clauses (i) and (iii), and possess such further qualifications, if any, as may be prescribed by the Regulations:

Provided that a student who has passed the Secondary School Certificate Examination in the tenth standard conducted by the Gujarat Secondary and Higher Secondary Education Board in such subjects or *Prathama* in the Sanskrit



(equivalent to the tenth standard conducted by the Gujarat State Examination Board). and with such standards of attainment as may be prescribed by the Regulations or any other examination prescribed as equivalent to the aforesaid examination may be enrolled as a student of the University for the purpose of such diploma courses as may be prescribed.

**Explanation.-** In this section, "Higher Secondary School Certificate Examination" means the examination of the students in the twelfth standard.

46. The University shall, as far as may be, provide to the students of the University residential accommodation in hostels of the University in accordance with the provisions made by the regulations.

Residence of students.

47. The Executive Council may, on the recommendation of the Academic Council institute and confer such degrees, diplomas, certificates and other academic distinctions as may be prescribed.

Degrees, diplomas and other academic distinctions.

48. If, on the recommendation of the Academic Council, not less than two-thirds of the members of the Executive Council recommended that an honorary degree, or other academic distinction be conferred on any person on the ground that he is, in their opinion, by reason of eminent position and attainments a fit and proper person to receive such degree or other academic distinction and the recommendation is confirmed by the Chancellor, the Executive Council may confer on such person the honorary degree or other academic distinction so recommended without requiring him to undergo any examination.

Honorary degree.

49. (1) The Chancellor may, on the recommendation of the Executive Council, withdraw any distinction, degree, diploma or privilege conferred on, or granted to, any person who has been convicted by a court of law for an offence involving moral turpitude or if he has been guilty of gross misconduct, by a resolution passed by majority of the total membership of the Executive Council and by a majority of not less than two-thirds of the members of the Executive Council present and voting.

Withdrawal of degree or diploma.

(2) No action under sub-section (1) shall be taken against any person unless he has been given an opportunity to show cause against the action proposed to be taken.

(3) The resolution so passed by the Executive Council shall take effect immediately and the copy of the same shall be sent to the person concerned.

## CHAPTER IX AFFILIATION, RECOGNITION AND APPROVAL

50. (1) A college desirous to be affiliated with the University shall apply to the Registrar in such manner, in such form and with such fees as may be prescribed.

Affiliation.

(2) Such college shall satisfy the Executive Council and Academic Council the need for establishment of a college with the University, management of the Governing body, strength and qualifications of the teaching staff, courses of the instruction, teaching and training to be undertaken by the college, the infrastructure facility such as building, library, laboratory, the financial resources, recruitment of teaching staff, college principal and such other matters as may be prescribed, for purposes of affiliation.

(3) The Executive Council, after making such inquiry as it thinks fit, records its views in consultation with the Academic Council and may grant or refuse the affiliation.

Where the application or any part thereof is refused, grounds for such refusal shall be stated.

Recognition  
of institutions  
of research  
and  
specialised  
studies.

51. (1) The Executive Council shall have the power, after consultation with Academic Council, to recognise any institution of research or specialised studies other than a college as a recognised institution.

(2) A institution desirous to be recognised with the University shall apply to the Registrar in such manner, in such form and with such fees as may be prescribed.

(3) Such institution shall give full information to the Registrar relating to constitution and personnel of the managing body, subjects and courses in regard to which recognition is sought, accommodation, equipment, library facilities and the number of students for whom provision has been or is proposed to be made, the strength, of the staff, their qualifications and salaries and the research work done by them, fees levied or proposed to be levied and the financial provision made for capital expenditure on buildings and equipments and for the continued maintenance and efficient working of the institution and such other information as may be prescribed.

(4) The Executive Council, after making such inquiry as it think fit, records its views in consultation with the Academic Council and may grant or refuse the recognition.

Where the application or any part thereof is refused, grounds for such refusal shall be stated.

Approval of  
institutions.

52. (1) The Executive Council shall have the power to approve any *pathashala* teaching Sanskrit and its literature, to approve as a approved institution.

(2) A *pathashala* desirous, to be approved with the University shall apply to the Registrar in such manner, in such form and with such fees as may be prescribed.

(3) Such *pathashala* shall give full information to the Registrar relating to the name, qualifications, experience and work of the teacher under whom approved work or the subject is proposed to be done, constitution and



personnel of the managing body, subjects and courses in regard to which approval is sought, accommodation, equipment, library facilities and the number of students for whom provision has been or is proposed to be made, the strength, of the staff, their qualifications and salaries and the work done by them, fees levied or proposed to be levied and the financial provision made for capital expenditure on buildings and equipments and for the continued maintenance and efficient working of the institution.

(4) The Executive Council, after making such inquiry as it thinks fit, records its views in consultation with the Academic Council, may grant or refuse the approval.

Where the application or any part thereof is refused, grounds for such refusal shall be stated.

**53.** (1) Every affiliated college, recognised institution and approved institution shall furnish such reports, returns and other information as the Executive Council may require to enable it to judge the efficiency of the college or institution.

Inspection of colleges and institutions and report.

(2) The Executive Council shall cause every such college or institution to be inspected from time to time by the Inspection Committee.

(3) The Executive Council may call upon any college or institution so inspected to take within a specified period, such action as may appear to it to be necessary in respect of any of the matter with respect to affiliation, recognition or approval referred to in section 50, 51 or, as the case may be, section 52.

**54.** (1) Every college, recognised or approved institution shall, in respect of the medium of instruction, teaching, training and examination therein, comply with the provisions made in that behalf by this Act, and the Regulations.

Affiliated colleges, recognised and approved institutions to comply with provisions pertaining to medium of instruction and other matters and withdrawal of recognition.

(2) If any affiliated college or recognised or approved institution contravenes the provisions of sub-section (1), then notwithstanding anything contained in the other provisions of this Act -

(a) the rights conferred on such college or institution by the affiliation, recognition, or approval shall stand withdrawn from the date of such contravention; and

(b) such college or institution shall cease to be an affiliated college or recognised or approved institution for the purposes of this Act.

(3) If any affiliated college or recognised or approved institution affected by sub-section (2), raises any dispute as to the withdrawal of its rights of affiliation or recognition or approval, then such dispute shall be referred to the State Government and the State Government shall decide the dispute and its decision shall be final.

**55.** (1) The rights conferred on a college by affiliation or an institution by recognition may be withdrawn, modified or suspended, if such college, or as the case may be, the recognised institution has failed to carry out any of the provisions of section 50 or, as the case may be, the institution has failed to

Withdrawal of affiliation or recognition.

observe any of the conditions of its recognition of section 51 is conducted in a manner which is prejudicial to the interests of education.

(2) A motion for the withdrawal, modification or suspension of such rights referred to in sub-section (1) shall be initiated and decided by the Executive Council. The manner for withdrawal of affiliation or, as the case may be, recognition, shall be such as may be prescribed.

(3) Before any order for withdrawal of the affiliation or, as the case may be, recognition is passed, an opportunity of being heard shall be given to principal of the concerned college or, as the case may be, the head of the institution, in such manner as may be prescribed.

(4) Where by an order, the rights conferred on any college by affiliation or, as the case may be, recognition is withdrawn in whole or in part or modified, the grounds for such withdrawal or modification shall be stated in the order.

Withdrawal  
of  
approval.

56. (1) The right conferred on an institution by approval may be withdrawn or suspended for any period by the Executive Council if the institution has failed to observe any condition of its approval or the work assigned to it is conducted in a manner which is prejudicial to the interest of education, or the teacher recognised by the University leaves the institution.

(2) Before making an order under sub-section (1) in respect of any approved institution, the Executive Council shall, by notice in writing, give an opportunity of being heard to principal of the concerned institutions in such manner as may be prescribed by the Regulations.

(3) The Executive Council shall, after following the prescribed manner, decide whether the approval should be withdrawn, modified, or, as the case may be, suspended and make an order accordingly.

## CHAPTER X REGULATIONS

Regulations.

57. Subject to such conditions as may be prescribed by or under the provisions of this Act, the Executive Council may make regulations for all or any of the following matters, namely:-

- (i) conferment of honorary degrees,
- (ii) holding of convocations to confer degrees,
- (iii) powers and duties of the officers of the University,
- (iv) constitution, powers and duties of the authorities of the University, save as provided in this Act,
- (v) institution and maintenance by the University Departments, institutes of research or specialised studies, post-graduate centres in affiliated colleges and hostels,



- (vi) acceptance and management of bequests, donations and endowments,
- (vii) registration of graduates and maintenance of register of registered graduates,
- (viii) procedure at meetings of the authorities of the University and for the transaction of their business,
- (ix) qualifications of professors, readers, lecturers and teachers in affiliated colleges and recognised and approved institutions,
- (x) the maximum number of students to be admitted in a college,
- (xii) suitable and adequate physical facilities such as buildings, laboratories, library, books, equipments required for teaching and research, hostels,
- (xiii) all matters which by this Act are to be or may be prescribed by the Regulations,
- (xiv) conditions under which students shall be admitted to courses of studies for degrees, diplomas and other academic distinctions,
- (xv) conditions governing the appointment and the duties of examiners,
- (xvi) conduct of examinations,
- (xvii) recognition of teachers of the University,
- (xviii) conditions of residence, conduct and discipline of the students of the University,
- (xix) recognition of hostels,
- (xx) inspection of affiliated colleges, recognised institutions, approved institutions and hostels,
- (xxi) rules to be observed and enforced by colleges and recognized institutions and approved institutions in respect of transfer of students,
- (xxii) mode of execution of contracts or agreements for, or on behalf of the University, and
- (xxiii) generally all matters for which provision is in the opinion of the Executive Council necessary for the exercise of the powers conferred or the performances of the duties imposed upon the Executive Council by this Act or the Regulations.

## CHAPTER XI

### TRANSITORY PROVISIONS

Appointment  
of  
first Vice-  
Chancellor.

58. Notwithstanding anything contained in section 12, the first, Vice-Chancellor shall be appointed by the State Government as soon as practicable after the commencement of this Act for a period not exceeding three years and on such terms and conditions as the State Government thinks fit.

Appointment  
of  
first  
Registrar.

59. Notwithstanding anything contained in section 18, the first Registrar shall be appointed by the State Government as soon as practicable after the commencement, of this Act for a period of not exceeding three years and on such terms and conditions as the State Government thinks fit.

Transitory  
powers of first  
Vice-  
Chancellor.

60. (1) It shall be the duty of the first Vice-Chancellor,-

- (a) to give recognition to institutions, if any, as far as possible consistent with the provisions of section 51 ; and
- (b) to make arrangements for constituting, the Executive Council, the Academic Council and other authorities of the University within six months after the date of his appointment or such longer period not exceeding one year as the State Government may, by notification in the *Official Gazette*, direct.

(2) The first Vice-Chancellor shall, with the assistance of the Advisory Committee consisting of not more than fifteen members who are experts in the field of Sanskrit and its literature, nominated by the State Government,-

- (a) subject to the provisions of this Act, and the approval of the Chancellor -
  - (i) make provisional Regulations necessary for constituting the aforesaid authorities and regulating the procedure at their meetings and the transaction of their business,
  - (ii) draw up rules, that may be necessary for regulating the method of nomination and appointment to the aforesaid authorities,

- (b) - frame the first Regulations, under this Act and submit them for confirmation to the respective authorities when they commence to exercise their functions.

(3) The authorities constituted under sub-section (1) shall commence to exercise their functions on such date or dates as the State Government may, by notification in the *Official Gazette*, direct.

(4) The Regulations framed by the first Vice-Chancellor shall, when confirmed by the Executive Council, be published in the *Official Gazette*.



**61.** (1) At any time after the commencement of this Act, until such time as the authorities of the University shall commence to exercise their functions - First appointment of officers of University.

(a) any officer of the University may be appointed by the Vice-Chancellor with the previous sanction of the Chancellor,

(b) till the Executive Council is constituted, the teachers of the University may be appointed by the Advisory Committee referred to in sub-section (2) of section 60 with the approval of the Chancellor on the recommendation of the Selection Committee consisting of the following persons, namely:- Bom. I. of 1949.

- (i) the Vice-Chancellor,
- (ii) a nominee of the Chancellor,
- (iii) three persons who are experts in the field of Sanskrit and its literature, to be appointed out of a panel of experts drawn by the Advisory Committee.

(2) Any appointment made under, sub-section (1) shall be for such period not exceeding three years and on such terms and conditions as the appointing authority thinks fit:

Provided that no such appointment shall be made until financial provision has been made therefor.

**62.** The first Vice-Chancellor appointed under section 58 shall have powers until the Executive Council commences to exercise its functions- Extra-ordinary powers of first Vice-Chancellor.

- (a) with the previous approval of the Chancellor, to make additional Regulations to provide for any matter not provided for by the first Regulations;
- (b) to constitute provisional authorities and bodies and on their recommendations to make regulations providing for the conduct of the work of the University;
- (c) subject to the control of the State Government, to make such financial arrangements as may be necessary to enable this Act, or any part thereof, to be brought into force;
- (d) with the sanction of the Chancellor, to make for a period not exceeding three years, such appointments as may be necessary to enable this Act or any part thereof, to be brought into force;
- (e) to appoint any committee as he may think fit, to discharge such of its functions as he may direct; and
- (f) generally to exercise all or any of the powers conferred on the Executive Council by or under the provisions of this Act.

### STATEMENT OF OBJECTS AND REASONS

Sanskrit along with its literature is not only the repository of our ancient cultural heritage but looking to its scope and depth of its literature, it embodies the heart and soul of mankind. Its impact on human heart is equally magnificent that it has loved Sanskrit and we continue to love and worship it.

Sanskrit not only enjoys the status of living language for expression of all sciences and learnings but also for most convenient and suitable language for Computer Science. Sanskrit is encyclopedia of life. There is no subject within the understanding of human mind whose terminology is not available in Sanskrit and its literature. It may be of learning of humanities, philosophy, literature, mathematics, astronomy, economics, medicines, music, religion, spiritualism and such other allied learnings. In order to bring the imbedded universal values, knowledge, wisdom and vision presented in these subjects into light, it is necessary to teach and learn the Sanskrit and to make a scientific based research in its literature. Such teaching, learning and research would be a bridge between the ancient Indian wisdom and modern scientific thought in harmony with needs of today and tomorrow.

Apart from these learnings related to every day life, the need to study this ancient language still remains strong as ever in the context of ancient literature and quest, linguistic and comparative linguistic studies.

Looking to the special value and importance of the Sanskrit language, the State Government appointed in October 1998, a Committee under the Chairmanship of Shree Gauttam Patel, Chairman, Sanskrit Academy, Gujarat State, Gandhinagar to carry out a detailed survey to assess and gauge the public response and scope for establishing such University in the State. The said Committee after making detailed survey of all Sanskrit Universities in the country and an encompassing research and study relating to the Sanskrit language has submitted a detailed project Report strongly recommending establishing a Sanskrit University in the State. The State Government has considered the Report diligently.

In light of all reflections, and after careful consideration, it is considered necessary to establish a full-fledged Sanskrit University in the State.

The following notes or clauses explain, in brief, the important provisions of the Bill:-

**Chapter 1.-** (i) Clause 1 of this Chapter provides for short title, extent and commencement;

(ii) clause 2 defines certain terms used in the Bill.

**Chapter 2.-** (i) Clauses 3 to 5 provides for establishment and incorporation of the Shree Somnath Sanskrit University and the objects, powers and functions of the University;



(ii) clauses 6 and 7 provides that University shall open to all irrespective of sex, religion, class, creed or opinion and teaching in the University;

(iii) clauses 8 provides for the powers of the Chancellor regarding inspection and inquiry.

**Chapter 3.-** Clauses 9 to 18 provides for the officers of the University, their powers and duties and the manner for appointment of the officers.

**Chapter 4.-** Clauses 19 to 27 provides for the authorities of the University and their powers and duties.

**Chapter 5.-** Clauses 28 to 30 provides for the University fund, preparation and submission of the annual accounts, audit, financial estimates and annual report of the University.

**Chapter 6.-** (i) Clauses 31 and 32 empowers the University to prescribed by regulations, the conditions of service including pay and allowances of the officers, teachers, and other employees of the University, colleges, recognised and approved institutions and also to provide for dismissal, removal reduction in rank and termination of service of staff of the University;

(ii) clause 33 provides for submission of returns and information by the colleges, recognised and approved institutions as the University may require;

(iii) clause 34 empowers the State Government to issue directions for compliance of the provisions of the Act and the regulations and also for the matters relating to fees and charges, borrowings of moneys, creation of posts and revision of pay scale;

(iv) clause 35 provides that acts and proceedings of any of the authorities of the University shall not be invalidated merely by reason of any vacancy of any member of the authority and procedural irregularities;

(v) clauses 36 and 37 provides for indemnity and also provides that the officers and employees of the University shall be public servants;

(vi) clause 38 empowers the State Government to remove difficulties arises in giving effect to the provisions of the Act, within the period of five years from the commencement of the Act, by an order published in the *Official Gazette*;

(vii) clause 39 provides for filling up of casual vacancy of a member arises in any of the authorities;

(viii) clause 40 provides for filling up of casual vacancy of the Registrar, the Director (Research), the University Librarian and Finance and Accounts Officer;

(ix) clauses 41 to 43 provides for establishment of pension, insurance and provident fund of the University's employees, teaching and non-teaching staff of colleges, recognised and approved institutions and also provides that fund shall be deposited in Government treasury.

**Chapter 7.-** Clause 44 provides for constitution of various committees of the University, the term of office of its members, the manner and procedure to be adopted by such committees for conducting their business, in the prescribed manner for carrying out the purposes of the Act.

**Chapter 8.-** (i) Clauses 45 and 46 provides enrolment and residence of students of the University;

(ii) Clauses 47 to 49 provides for conferment of degrees, diplomas and other academic distinctions and honorary degree and withdrawal of any distinction, degree, diploma or privilege conferred or granted;

**Chapter 9.-** (i) Clauses 50 to 52 and 55 and 56 provides for affiliation of colleges, recognition of institutions of research and specialised studies and approval of institutions for specialised studies, laboratory work, internship, research, other academic work and withdrawal thereof;

(ii) clause 53 empowers the University for inspection of colleges and institutions by the inspection committee so as to judge the efficiency and submission of the report thereof;

(iii) clause 54 provides that every affiliated college, recognised or approved institutions shall comply with the provision in respect of medium of instruction, teaching, training and examination and also provides for withdrawal of affiliation, recognition or approval in case of contravention of the provisions, and for settlement of dispute.

**Chapter 10.-** Clause 57 empowers the Executive Council to make regulations for the matters enumerated therein and such other matters for carrying out the purposes of the Act.

**Chapter 11.-** (i) Clauses 58, 59 and 61 provides for the appointment of the first Vice-Chancellor, the first Registrar and first appointment of the officers of the University;

- (ii) Clauses 60 and 62 provides for transitory and extraordinary powers of the first Vice-Chancellor.

**ANANDIBEN PATEL**

### **FINANCIAL MEMORANDUM**

Sub-clause (2) of clause 28 of this Bill contemplates payment of contribution or the grant to the University among others by the State Government which shall formed the University fund.

In the budget for the year 2004-2005 an amount of rupees ten lakhs has been provided for the establishment of Sanskrit University in the State.

In the budget for the year 2005-2006 a provision of rupees one crore would required to be made for the establishment and incorporation of the Shree Somnath Sanskrit University.

In the circumstances, if the provisions of this Bill, if enacted, and brought into operation would involve an estimated annual expenditure of rupees one crore from the Consolidated Fund of the State. The non-recurring expenditure would be rupees sixty lakhs and recurring expenditure would be rupees forty lakhs.

**ANANDIBEN PATEL**

### **MEMORANDUM REGARDING DELEGATED LEGISLATION**

This Bill provides for delegation of legislative powers in the following respects:-

**Clause 1.-** Sub-clause (3) of this clause empowers the State Government to specify the dates on which other provisions of the Act shall into force.

**Clause 3.-** Sub-clause (1) of this clause empowers the State Government to establish "the Shree Somnath Sanskrit University, Somnath".

**Clause 4.-** Clause (r) of this clause empowers the University to establish the schools for languages and literature, philosophy, *Ved-Vedang*, *Shikshana-Prashikshana*, *Dharma Shashtra* and such other schools by prescribing the regulations in the Executive Council.

**Clause 5.-** The following clauses empowers the Executive Council to prescribe the regulations in the matter of,-

- (k) (i) the manner for persuading the courses of study in the University or affiliated colleges and passing of examinations or tests thereof;

- (ii) conditions for carrying on research;



- (l) lay down manner for conferment of honorary degrees and other academic distinctions;
- (m) manner for withdrawal of or cancellation of any degree, diploma or certificate conform or granted by University;
- (o) to determine conditions for grant of diplomas to, and to provide for such lectures, instructions and training to persons who are not enrolled as the students of the University;
- (t) to institute and award fellowships, scholarships and prizes to deserving institutions or individuals engaged in the dissemination of Sanskrit learning and for the promotion and propagation of Sanskrit;
- (w) to lay down and regulate the salary scales, allowances and other conditions of service of teaching, other academic and non-teaching staff of the affiliated colleges, University colleges and recognised and approved institutions;
- (cc) manner to acquire, hold, manage and dispose of any movable and immovable property including trust and endowment property of the University;
- (ee) provisions for continuing education, adult education, extra-mural activities, extension services, physical education, National Cadet Corps, National Services Scheme, National Sports Organisation, yoga sports, athletic and other recognised educational activities;
- (ff) manner to co-operate with other Universities, authorities, associations or any other public or private bodies;
- (mm) to fix and collect fees and other charges;
- (nn) such other things for exercise of powers and performance of duties to carry out the purposes of the University.

**Clause 7.-** Sub-clause (2) of this clause empowers the University to make regulations for courses of studies and other activities.

**Clause 9.-** Sub-clause (viii) of this clause empowers the Executive Council to declare by regulations such other officers in the service of the University to be the officers of the University.

**Clause 10.-** Sub-clause (3) of this clause empowers the Executive Council to prescribe such other powers of the Chancellor.

**Clause 11.-** Sub-clause (1) of this clause empowers the State Government to appoint the Vice-Chancellor of the University.



- Clause 12.-** (i) Sub-clause (1) of this clause empowers the State Government to constitute a committee consisting of three persons to recommend the names for the post of Vice-Chancellor and the manner to be adopted by such committee and manner to be adopted by the Executive Council and Academic Council for nomination of one expert in the committee;
- (ii) sub-clause (2) of this clause empowers the Executive Council to prescribed the other particulars for nomination of names by the committee;
- (iii) sub-clause (5) of this clause empowers the State Government to determine the terms and conditions of service and the emoluments to be paid to the Vice-Chancellor.
- Clause 13.-** (i) Sub-clause (6) of this clause empowers the Vice-Chancellor to issue directions where any matter is required to be regulated by the regulations but no regulations are made in that behalf;
- (ii) Sub-clause (10) of this clause empowers the Executive Council to prescribe by regulations, such other powers and duties to be performed by the Vice-Chancellor;
- (iii) Sub-clause (11) of this clause empowers the Executive Council to prescribe by regulations, the manner for inspection and inquiry to be conducted by the Vice-Chancellor.
- Clause 14.-** (i) Sub-clause (1) of this clause empowers to prescribe by the regulations, the manner in which the Registrar shall be appointed by the Vice-Chancellor;
- (ii) Sub-clause (2) of this clause empowers to prescribe regulations in which the Registrar shall act as the member-secretary of the authorities, bodies and committees of the University and determine conditions of service and emoluments to be paid;
- (iii) Sub-clause (5) of this clause empowers to prescribe such other functions and duties to be performed by the Registrar.
- Clause 15.-** Sub-clause (1) of this clause empowers to prescribe by regulations such other powers and duties to be performed by the Director (Research).
- Clause 16.-** (i) Sub-clause (1) of this clause empowers to prescribe by regulations, the manner in which the Vice-Chancellor shall appoint the University Librarian;
- (ii) sub-clause (2) of this clause empowers to prescribe by regulations, such other powers and duties of the University Librarian.

**Clause 18.-** Para (ii) of sub-clause (2) of this clause empowers the State Government to constitute a selection committee for selection of persons to the post of the Registrar, the Director (Research), the University Librarian and Finance and Accounts Officer.

**Clause 19.-** Sub-clause (v) of this clause empowers the University to declare by regulations, such other Boards and bodies to be the authorities of the University.

**Clause 21.-** Following sub-clauses empower the Executive Council to prescribe regulations with respect to,-

(vii) to fix, demand and receive fees and other charges;

(xxi) to make provisions to enable affiliated or recognised or approved institution to undertake specialisation in studies;

(xxiv) the manner to institute and confer degrees, titles, diplomas and other academic distinctions and honorary degrees;

(xxvii) the courses of study, imparting instruction, teaching and training in the courses of study, the holding and conduct of examination and to make necessary rules for that purpose and withdrawal of affiliation, recognition or approval;

(xxxiii) such other powers and duties to be performed by the Executive Council.

**Clause 22.-** Para (ix) and (x) of sub-clause (1) empowers the Executive Council to prescribe by regulations, the manner in which the Vice-Chancellor shall nominate four Deans of Faculties and one principal of the colleges in the Academic Council.

**Clause 23.-** Sub-clause (2) of this clause empowers the Academic Council to recommend the Executive Council to prescribe the regulations for the following matters subject to which the Academic Council shall exercise the powers and perform the duties, namely:-

(i) duties of professors, readers, lecturers and any other posts of teachers;

(ii) provisions for institutions of fellowships, traveling fellowships, scholarships, studentships and medals, and other awards;

(iii) conditions for admission of students to the examination and conduct of examination;

(iv) the manner for grant of exemption from approved courses of study in affiliated colleges for qualifying for degrees, diplomas and certificates;



(v) provisions for institution, conferment and grant of degrees, diplomas and certificates, honorary degrees and other academic distinctions, and

(vii) for such other powers and duties.

**Clause 24.-** (i) Sub-clause (1) of this clause empowers to prescribe by regulations, the subjects of which each Faculty shall comprise;

(ii) paragraph (i) of sub-clause (2) of this clause empowers to prescribe by regulations, the manner in which the Dean of Faculty shall be nominated by the Vice-Chancellor from amongst University teachers and college teachers by rotation;

(iii) sub-clause (3) of this clause empowers to prescribe by regulations, the term of office of a member of a faculties.

**Clause 25.-** Sub-clause (2) of this clause empowers the Executive Council to prescribe by regulations, subject to which the faculty shall refer the matters mention at serial number (i) to (xii) to the Academic Council to recommend to the Executive Council.

**Clause 26.-** Sub-clause (1) empowers the Executive Council to prescribe by regulations, the manner in which Vice-Chancellor shall nominate the Dean of Faculty.

**Clause 27.-** Sub-clause (2) of this clause empowers to prescribe by regulations, the constitution of Finance and Accounts Committee, the term of office of its members and the procedure to be followed by it.

**Clause 28.-** Sub-clause (4) of this clause empowers to prescribe by regulations, the manner in which the funds of the University shall be applied towards the expenses of the University incurred.

**Clause 29.-** Sub-clause (3) of this clause empowers to prescribe by regulations, subject to which the financial estimates for the ensuing year shall be prepared.

**Clause 30.-** This clause empowers the Executive Council to prescribe regulations, the form and the particulars, in which the University shall prepare the annual report of the financial year and submit it to the State Government.

**Clause 31.-** This clause empowers the Executive Council to prescribe by regulations, the conditions of service including pay and allowances of the officers, teachers, teaching and non-teaching employees of the University, colleges, recognised and approved institutions.

**Clause 32.-** Sub-clause (2) of this clause empowers the Executive Council to prescribe by regulations, the manner in which an appeal from an

order of dismissal, removal or reduction in rank or termination of service shall lie to the authority.

**Clause 38.-** This clause empowers the State Government to make such provision not inconsistent, with the provisions of this Act, as may appear to be necessary or expedient for removing the difficulty, by an order publish in the *Official Gazette*.

**Clause 41.-** This clause empowers the Executive Council to prescribe by regulations, the manner and conditions subject to which the University shall make provisions for the benefit of its officers, teachers and other employees in the matters of insurance, pension, provident fund or other benefits.

**Clause 42.-** Sub-clause (2) of this clause empowers the Executive Council to prescribe by regulations, the manner and time within which the subscription of members of teaching, non-teaching and academic staff of recognised institutions, colleges towards provident fund shall be deposited.

**Clause 44.-** Sub-clause (2) of this clause empowers the Executive Council to prescribe by regulations, the constitution of committees, term of office of the members and powers and functions of the committees.

**Clause 45.-** This clause empowers the Executive Council to prescribe by regulations in the following matters,-

(i) passing of such examination with such subjects and the standards of attainment for a student for enrollment as a student of University;

(ii) the manner for entrance examination and subjects;

(iii) to prescribed equivalent examinations to the examinations referred to in sub-clause (i) and sub-clause (ii) and such other qualifications.

**Clause 46.-** This clause empowers the Executive Council to prescribe by regulations subject to which the residential accommodation in the hostels shall be provided to the students.

**Clause 47.-** This clause empowers the Executive Council to prescribe by regulations subject to which it shall institute and confer degrees, diplomas, certificates and other academic distinctions.

**Clause 50.-** (i) Sub-clause (1) of this clause empowers the Executive Council to prescribe by regulations, the manner in which, the form in which and the fees, subject to which a college shall apply to the University for affiliation;

(ii) Sub-clause (2) empowers the Executive Council to prescribe by regulations,-



- (a) need for establishment for a college,
- (b) management of the Governing body, strength and qualification of teaching staff,
- (c) courses of instructions,
- (d) teaching and training to be undertaken by the college,
- (e) availability infrastructure facility such as building, library, laboratory,
- (f) financial resources,
- (g) recruitment of teaching staff and college principal, and
- (h) such other matters.

**Clause 51.-** (i) Sub-clause (2) of this clause empowers the Executive Council to prescribe by regulations, the manner in which, the form in which and the fees, subject to which a institution shall apply to for recognition;

(ii) Sub-clause (3) of this clause empowers the Executive Council to prescribe by regulations for the following matters which may be required by the Executive Council from the institute making the application for recognition,-

- (a) constitution and personnel of managing body,
- (b) subjects and courses for which recognition is sought,
- (c) accommodation, equipments, library facilities,
- (d) strength of student propose to be enrolled,
- (e) strength of the staff, their qualifications, salaries, research work done by them,
- (f) fees levied or proposed to be levied,
- (g) financial provision for capital expenditure, and
- (h) such other particular.

**Clause 52.-** (i) Sub-clause (2) of this clause empowers the Executive Council to prescribe by regulations, the manner in which, the form in which and the fees, subject to which a *pathashala* shall apply to for approval;

(ii) Sub-clause (3) of this clause empowers the Executive Council to prescribe by regulations for the following matters which may be required by the Executive Council from the *pathashala* making the application for approval,-

- (a) constitution and personnel of managing body,
- (b) subjects and courses for which approval is sought,
- (c) name, qualifications, experience and work of teacher under whom approved work or subject is proposed to be done,
- (d) accommodation, equipments, library facilities,
- (e) strength of student propose to be enrolled,
- (f) strength of the staff, their qualifications, salaries, research work done by them,

- (g) fees levied or proposed to be levied,
- (h) financial provision for capital expenditure, and
- (i) such other particular.

**Clause 55.-** Sub-clauses (2) and (3) of this clause empowers the Executive Council to prescribe by regulations, the manner in which motion for withdrawal of affiliation of a college or recognition or recognition of a institution shall be initiated and opportunity of being heard.

**Clause 56.-** Sub-clauses (2) and (3) of this clause empowers the Executive Council to prescribe by regulations, the manner in which motion for withdrawal of approval a institution shall be initiated and opportunity of being heard.

**Clause 57.-** This clause empowers the Executive Council to make regulations for the matters enumerated therein and such other matters as may be necessary for the exercise of the powers and performance of the duties imposed upon the Executive Council under the Act.

**Clause 60.-** (i) Paragraph (b) of sub-clause (1) of this clause empowers the State Government to extend the period not exceeding one year by notification in the *Official Gazette*, with respect to constitution of the authorities by the first Vice-Chancellor, the first Vice-Chancellor to constitute the Executive Council, the Academic Council and other authorities of the University,

(ii) Sub-clause (3) empowers the State Government by notification in the *Official Gazette*, to specify the date or dates on which the authorities constituted by the first Vice-Chancellor shall commence to exercise their functions.

**Clause 62.-** Clauses (a) and (b) of this clause empowers the first Vice-Chancellor to make additional regulations to provide for any matter not provided by the first regulations and to make regulation providing for conduct of the work of the University.

The delegation of legislative powers as aforesaid are necessary and are of a normal character.

Dated the 11th March, 2005.

**ANANDIBEN PATEL.**

By order and in the name of the Governor of Gujarat,

**S. S. PARMAR,**

Gandhinagar.

Secretary to the Government of Gujarat,

Dated the 11th March, 2005. Legislative and Parliamentary Affairs Department.

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Government Central Press, Gandhinagar.





सत्यमेव जयते

# The Gujarat Government Gazette

## EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XLVI]

FRIDAY, MARCH 11, 2005/PHALGUNA 20, 1926

Separate paging is givrn to this Part in order that it may be filed as a Separate Compilation

### PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the provisio to rule 127A of the Gujarat Legislative Assembly Rules:-

### THE GUJARAT CIVIL COURTS BILL, 2005.

### GUJARAT BILL NO. 26 OF 2005.

### A BILL

*to consolidate and amend the law relating to Civil Courts in the State of Gujarat.*

It is hereby enacted in the Fifty-sixth Year of the Republic of India as follows :-

### CHAPTER I PRELIMINARY

1. (1) This Act may be called the Gujarat Civil Courts Act, 2005.
- (2) It extends to the whole of the State of Gujarat.

Short title, extent  
and  
commencement.

Definitions.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. In this Act unless the context otherwise requires,-

- (a) "appointed date" means the date appointed under sub-section (3) of section 1;
- (b) "civil court" means a court of a District Judge, a court of the Senior Civil Judge or a court of Civil Judge;
- (c) "Code" means the Code of Civil Procedure, 1908;
- (d) "district" means a revenue district or such local area as the State Government may, from time to time, notify to be a district for the purposes of this Act;
- (e) "Government" means the Government of Gujarat;
- (f) "High Court" means the High Court of Gujarat;
- (g) "judicial officer" means a Judge of a court of District Judge, a Judge of a court of Senior Civil Judge or a Judge of a court of Civil Judge;
- (h) "notification" means a notification published in the *Official Gazette*;
- (i) "*Official Gazette*" means Gujarat Government Gazette;
- (j) "prescribed" means prescribed by rules made under this Act;
- (k) "service" means the judicial service of the State.

5 of 1968

## CHAPTER II

### ESTABLISHMENT AND CONSTITUTION OF CIVIL COURTS

Classes of civil courts.

3. In addition to the courts established under any other law for the time being in force, there shall be following classes of civil courts in the State, namely :-

- (a) court of a District Judge;
- (b) court of a Senior Civil Judge;
- (c) court of a Civil Judge.

Establishment of courts of District Judges.

4. (1) There shall be established by the State Government, in consultation with the High Court, by notification, in each district, a court of a District Judge.



(2) Each court of a District Judge shall be presided over by a Judge to be called the Principal District Judge.

(3) (i) When the business pending before a court of a District Judge so requires, the State Government may, in consultation with the High Court, appoint to that court one or more judges to be called as Additional District Judges, for such period as it deems necessary.

(ii) The Additional District Judge appointed under this subsection shall, subject to the general or special orders of the High Court, discharge all or any of the functions of a District Judge under this Act or any other law for the time being in force which the Principal District Judge may assign to him and in the discharge of those functions, he shall exercise all the powers of the court of a District Judge.

5. (1) There shall be established by the State Government, in consultation with the High Court, by notification, in each district, a court of Senior Civil Judge :

Establishment  
of courts of  
Senior Civil  
Judges.

Provided that the State Government may, in consultation with the High Court establish a court of a Senior Civil Judge for a part of a district and specify the local limits of its jurisdiction.

(2) Each court of a Senior Civil Judge shall be presided over by a judge to be called as Principal Senior Civil Judge.

(3) (i) When the business pending before a court of a Senior Civil Judge so requires, the Government may, in consultation with the High Court, fix by notification, the number of judges to be called as Additional Senior Civil Judges, for such period as it deems necessary.

(ii) An Additional Senior Civil Judge so appointed shall, subject to the general or special orders of the Principal District Judge, discharge all functions of a Senior Civil Judge under this Act or any other law for the time being in force which the Principal Senior Civil Judge may assign to him and in the discharge of those functions he shall exercise all the powers of Senior Civil Judge .

6. (1) There shall be established by the State Government, by notification, in each district such number of courts of Civil Judges as may be fixed by the State Government in consultation with the High Court and specify the local limits of jurisdiction of each such court.

Establishment  
of courts of  
Civil Judges.

(2) Each court of a Civil Judge shall be presided over by a Judge to be called as Principal Civil Judge.

(3) (i) When the business pending before a court of Civil Judge so requires, the State Government may, in consultation with the High Court, appoint to that court one or more Judges to be called as Additional Civil Judges for such period as it deems necessary.

(ii) An Additional Civil Judge so appointed shall, subject to the general or special orders of the Principal District Judge, discharge all the functions of a Civil Judge under this Act or any other law for the time being in force which the Principal Civil Judge may assign to him and in the discharge of those functions he shall exercise all the powers of a Civil Judge.

Location of  
civil court.

7. (1) The place or places, at which every civil court under this Act shall be held, shall be fixed, and may from time to time, be altered by the State Government, in consultation with the High Court.

(2) The place or places so fixed for a civil court under sub-section (1) may be within or outside the local limits of the jurisdiction of that court.

Seal of a  
civil court.

8. Every civil court under this Act shall use a seal which shall bear thereon the State Emblem and shall be, in such form, of such dimensions and with the name of the court in such language or languages, as the High Court may, in consultation with the State Government, by order, determine.

Existing courts,  
their location  
and seat to be  
deemed to be  
established,  
fixed and  
determined  
under this Act.

9. (1) The Courts of District Judges, existing immediately prior to the appointed date, shall, with effect from the appointed date, be deemed to be Courts of District Judges established under this Act.

(2) The Courts of Civil Judge (Senior Division), existing immediately prior to the appointed date shall, with effect from the appointed date, be deemed to be Courts of Senior Civil Judges established under this Act.

(3) The Courts of Civil Judge (Junior Division) existing immediately prior to the appointed date shall, with effect from the appointed date, be deemed to be Courts of Civil Judges established under this Act.

(4) The place at which a civil court deemed to be established under sub-sections (1) to (3) is being held immediately prior to the appointed date shall be deemed to be the place fixed under said sub-section (1) of section 7.

(5) The seal in use, in a civil court deemed to be determined under sub-sections (1) to (3), immediately prior to the appointed date may continue to be used until an order is made by the High Court under section 8.



10. (1) No person other than a person belonging to the cadre of District Judge in the judicial service of the State of Gujarat shall be eligible to be posted as a Principal District Judge or as an Additional District Judge.

Posting of  
District Judges,  
Senior Civil  
Judges and  
Civil Judges.

(2) No person other than a person belonging to the cadre of Senior Civil Judge in the judicial service of the State of Gujarat shall be eligible to be posted as a Principal Senior Civil Judge or as an Additional Senior Civil Judge.

(3) No person other than a person belonging to the cadre of Civil Judge in the judicial service of the State of Gujarat shall be eligible to be posted as a Principal Civil Judge or as an Additional Civil Judge.

### CHAPTER III JURISDICTION OF CIVIL COURTS

11. (1) The State Government may, in consultation with the High Court, by notification, fix and vary, from time to time, the local limits of jurisdiction of any civil court under this Act.

Local limits of  
jurisdiction.

(2) The local limits of jurisdiction of a civil court, existing immediately prior to the appointed date, shall be deemed to be the local limits of jurisdiction of that court.

12. (1) A Court of District Judge shall be the principal civil court of original jurisdiction within the local limits of its jurisdiction.

Jurisdiction of  
a court of  
District Judge.

(2) Subject to the provisions of the Code, the jurisdiction of a court of District Judge shall extend to all original suits and proceedings of a civil nature.

(3) A Court of District Judge shall, subject to the general control of the High Court, have control over all other civil courts within the local limits of its jurisdiction.

13. The jurisdiction of the court of a Senior Civil Judge shall extend to all original suits and proceedings of a civil nature, subject to such rules as the High Court may, from time to time make in this behalf.

Jurisdiction  
of a court of  
Senior Civil  
Judge.

14. The jurisdiction of a Court of Civil Judge shall extend to all original suits and proceedings of a civil nature, not otherwise excluded from the jurisdiction of a Court of Civil Judge by any other law, the value of the subject matter of which does not exceed two lakh rupees or such other sum as the High Court may, from time to time specify.

Jurisdiction  
of a court of  
Civil Judge.



**Appeals.** 15. (1) Appeals from the decrees and orders passed by a Court of District Judge in original suits and proceedings of civil nature shall, when such appeals are allowed by law, lie to the High Court.

(2) Appeals from the decrees and orders passed by a Court of Senior Civil Judge in original suits and proceedings of civil nature shall, when such appeals are allowed by law, lie -

(a) to the Court of the District Judge of the district when the amount or value of the subject matter of the original suit or proceedings is less than five lakhs of rupees or such other sum as the High Court may, from time to time, specify;

(b) to the High Court in other cases.

(3) Appeals from the decrees and orders passed by a Court of Civil Judge in suits or proceedings of a civil nature, shall, when such appeals are allowed by law, lie to the Court of District Judge of the district :

Provided that the High Court may, in consultation with the State Government, by notification, direct that such appeals against decrees and orders may lie to the Court of Senior Civil Judge when the amount or value of the subject matter of the suit or proceeding is less than one lakh of rupees and thereupon appeals shall be preferred accordingly.

(4) The provisions of this section will apply to all decrees and orders made after the appointed date irrespective of the fact whether the suits or proceedings in which they are made were instituted before or after the appointed date.

**Power to require witness or party to make oath or affirmation.**

16. Every civil court under this Act shall require a witness or party to any suit or other proceedings pending in such court to make such oath or affirmation as is prescribed by the law for the time being in force.

**Investment of small cause powers to courts of Senior Civil Judges or Civil Judges.**

17. (1) The High Court may, by notification, invest, with such restrictions as it shall from time to time determine, any Court of Senior Civil Judge or a Court of Civil Judge, with the jurisdiction for the trial of suits cognizable by a Court of Small Causes established under the Provincial Small Cause Courts Act, 1887 upto such amount as it may deem proper.

(2) The High Court may, by notification withdraw or alter whenever it thinks fit such jurisdiction of any Court of Senior Civil Judge or Civil judge, so invested.

9 of 1887.

(3) (a) The provisions of the Provincial Small Cause Courts Act, 1887 applicable to Courts of Small Causes, shall apply to a court invested under sub-section (1) with the jurisdiction of a Court of Small Causes, so far as the exercise of that jurisdiction by those courts.

(b) Nothing in sub-clause (a) shall, with respect to the courts invested with the jurisdiction of a court of Small Causes, apply to suits instituted or proceedings commenced in those courts prior to the date on which they were invested with that jurisdiction.

(4) A court invested with the jurisdiction of a Court of Small Causes under sub-section (1) with respect to the exercise of that jurisdiction and the same court with respect to the exercise of its jurisdiction in suits of civil nature which are not cognizable by a Court of Small Causes shall, for the purposes of this Act and the Code be deemed to be different courts.

(5) Notwithstanding anything contained in this Act –

(a) when in the exercise of the jurisdiction of a Court of Small Causes, a court invested with that jurisdiction sends a decree for execution to itself as a court having jurisdiction in suits of a civil nature, which are not cognizable by a Court of Small Causes, or

(b) when a court in the exercise of its jurisdiction in suits of a civil nature which are not cognizable by a Court of Small Causes sends a decree for execution to itself as a court invested with the jurisdiction of a Court of Small Causes,

the documents mentioned in rule 6 of Order XXI of the Code shall not be sent with the decree unless in any case the court, by order in writing requires them to be sent.

18. (1) No judicial officer shall try any suit in which he is a party or personally interested or shall adjudicate upon any proceedings connected with or arising out of such suit.

**Judges not to try suits in which they are interested, etc.**

(2) No judicial officer shall try any appeal against any decree or order passed by himself in any other capacity.

(3) When any such suit, proceedings or appeal referred to in sub-sections (1) and (2) comes before any such judicial officer, he shall report the circumstances to the court to which he is immediately subordinate. The said superior court shall thereupon dispose of the case in the manner prescribed by section 24 of the Code.

Application  
of the Code.

19. The procedure prescribed in the Code shall, save in so far as is otherwise provided by this Act, be followed in all civil courts.

#### CHAPTER IV MISCELLANEOUS

Temporary  
vacancy of  
office of  
Principal  
District Judge.

20. In the event of the death of the Principal District Judge or of his being prevented from performing his duties by illness or otherwise or of his absence on leave from the station in which his court is held, the Additional District Judge of the district and if there are more than one Additional District Judges, the senior most among them and if there is no Additional District Judge in the district, the senior most Senior Civil Judge in the district, shall, without interruption to his ordinary duties assume charge of the office of the Court of Principal District Judge and while so in charge perform the duties of the Principal District Judge with respect to the filing of the suits and appeals, receiving pleadings, execution of processes, return of writs and the like, and shall continue in charge of the said court until the same is resumed by a judge duly posted thereto.

Temporary  
vacancy of  
office of  
Principal Senior  
Civil Judge or  
Principal Civil  
Judge.

21. In the event of death, suspension or temporary absence of any Principal Senior Civil Judge or Principal Civil Judge, the Principal District Judge may empower any Senior Civil Judge or Civil Judge in the district to perform such duties of such Principal Senior Civil Judge or Principal Civil Judge, as the case may be, as specified in section 20 either at the place of such court or of his own court, but in every such case the registers and records of the two courts shall be kept distinct.

Vacation and  
holidays.

22. (1) The civil courts in the State shall be closed on such days as may be notified by the High Court as public holidays for the whole State or for such area in the State.

(2) The civil courts in the State shall have such number of vacations in each year as the High Court may declare but the total number of days of such vacations shall not exceed thirty days.

(3) Notwithstanding anything contained in this Act or in the Code, the High Court, may, by general or special order appoint the Principal District Judge or an Additional District Judge or a Senior Civil Judge as vacation judge for the District and for the duration of the adjournment of the court of Principal District Judge in any vacation or any part thereof and regulate the work to be discharged by the vacation judge.

(4) The local limits of jurisdiction of the vacation judge shall be the same as those of the Court of Principal District Judge concerned and his jurisdiction shall extend to all suits, appeals and other proceedings pending in or cognizable by any civil court in the district concerned.



(5) The vacation judge shall hold his court at the place at which court of Principal District Judge is normally held and he shall have administrative control over all the staff of all civil courts in the district.

36 of 1963.

(6) Notwithstanding the appointment of a vacation judge every civil court in the district shall, during the period it is adjourned for any vacation, be deemed to be closed for the purpose of section 4 of the Limitation Act, 1963.

(7) On the reopening of any civil court after any vacation all suits, appeals and other proceedings pending before the vacation judge shall stand transferred to the civil court concerned in which it would have been instituted or pending but for the appointment of the vacation judge any decree, order or proceedings passed by the vacation judge shall be deemed to be a decree, order or proceeding passed by the court concerned.

23. (1) Subject to the other provisions of this Act and the rules and any other law for the time being in force, all civil courts in a district including the staff thereof shall, subject to the control of the High Court, be subordinate to the Court of District Judge.

Subordination  
of civil courts.

(2) The civil courts shall maintain such forms, books of accounts, records, registers and the like as may be specified by the High Court in consultation with the State Government.

(3) The State Government may, for discharging its functions and responsibilities, require, through the High Court, the civil courts to furnish to the Government such particulars and information relating to the working of the courts and other matters as may be called for from time to time.

4 of 1869.  
39 of 1925.  
43 of 1954.  
8 of 1890.

24. (1) The High Court may by general or special order invest any Senior Civil Judge, within such local limits and subject to such pecuniary limitation as may be specified in such order, with all or any of the powers of a District Judge or a Court of District Judge, as the case may be, under the Divorce Act, 1869, the Succession Act, 1925, the Special Marriage Act, 1954, or the Guardians and Wards Act, 1890.

Power to  
invest Senior  
Civil Judges  
with  
jurisdiction  
under certain  
Acts.

(2) Every order made by a Senior Civil Judge by virtue of the powers conferred upon him under sub-section (1) shall be subject to an appeal to the High Court where the amount or value of the subject matter exceeds rupees five lakhs or to the Court of District Judge where the amount or value of the subject matter does not exceed rupees five lakhs.

(3) Every order of a Court of District Judge passed on appeal under sub-section (2) from the order of a Senior Civil Judge shall be subject to an

appeal to the High Court under the rules contained in the Code applicable to appeals from appellate decrees.

**Fees for process.**

25. The High Court shall from time to time, with the sanction of the State Government, prescribe and regulate by rules, the fees to be taken for any process issued by any civil court. Such rules may provide for payment of process fee in a lump sum in advance alongwith the plaint.

**Mode of conferring powers.**

26. Except as otherwise provided any powers that may be conferred by the High Court on any person under this Act may be conferred on such person either by name or by virtue of office.

**Government suits.**

27. (1) No subordinate court other than the court of a Senior Civil Judge and no Court of Small Cause shall receive or register any suit in which the Government or any officer of the Government in his official capacity is a party.

(2) In every such case, the plaintiff shall be referred to the court of the Senior Civil Judge. Such suit shall be instituted only in the court of the Senior Civil Judge and shall be heard by such Senior Civil Judge subject to the provisions of section 24 of the Code.

**Constitution of consultative committee.**

28. The High Court shall constitute a consultative committee for each district, consisting of such number of members and in such manner as may be prescribed, for making suggestions for the infrastructural facilities in the courts, improvement of work culture, co-ordination between the bar, bench and other authorities and for the matter incidental thereto.

**Power of High Court to make rules.**

29. (1) The High Court may, after previous publication, by notification, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely :-

- (a) the manner in which the proceedings of each civil court shall be kept and recorded;
- (b) regulating the grant of certified copies of papers in civil court;
- (c) regulating the duties and functions of the ministerial officers of the civil courts;
- (d) regulating the issue of licenses by the Principal District Judge of the district to persons to act as petition writers in civil courts in that district and the conduct of business by them and the scale of fees to be charged by them;
- (e) providing a penalty of such amount not exceeding five hundred rupees for breach of the rules made under clause (d) and the



authority who could investigate the breach of rules and impose the penalty;

- (f) forms, books, registers, records and accounts to be maintained by the civil courts;
- (g) payment of process fees in lump sum in advance alongwith the plaint or otherwise;
- (h) the manner in which a consultative committee may be constituted for each district;
- (i) any other matter, not inconsistent with the provisions of this Act which, in the opinion of the High Court, may be prescribed for the effective enforcement of the Act.

Bom.XIV of 1869.

30. (1) On and from the appointed date the Bombay Civil Courts Act, 1869, in its application to the State of Gujarat, shall stand repealed.

Repeal and savings.

(2) Such repeal shall not affect the previous operation of the enactment so repealed and any thing done or any action taken including the districts formed, limits defined, courts established or constituted, appointments, rules or orders made, functions assigned, powers granted, seals or forms prescribed, jurisdiction defined or vested and notifications or notices issued by or under the provisions of the said Act and deemed to have been done or taken under the provisions thereof shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act and shall continue in force unless and until superseded by anything done or any action taken under this Act.

(3) Notwithstanding anything contained in sub-section (1) or any other provisions of this Act or in the enactment repealed by sub-section (1) or in any other law or provision having the force of law, all suits, appeals and proceedings connected therewith, pending before any court, which under this Act have to be instituted or commenced in another court, shall, on the appointed day, stand transferred to such other court and shall be continued and disposed of by such other court in accordance with law as if such suit and proceedings had been instituted or commenced in such other court under this Act.

(4) If there be any doubt as to which court any suit, appeal or proceedings shall stand transferred or as to which court any appeal shall be preferred in accordance with the provisions of this Act the court designated by the High Court shall be the court to which such suit, appeal or proceedings shall be transferred or such appeal shall be preferred, and the decision of the High Court shall be final.

Bom. 1 of 1904.

(5) Notwithstanding such repeal, the provisions of section 7 of the Bombay General Clauses Act, 1904 shall apply in relation to the repeal of



the Bombay Civil Courts Act, 1869 as if the Act had been an enactment within the meaning of the said section 7.

Bom. XIV of  
1869.

Power to  
remove  
difficulties.

31. (1) If any difficulty arises in giving effect to the provisions of this Act in consequence of the transition to the said provisions from the provisions of any enactment or law in force immediately before the commencement of this Act, the State Government in consultation with the High Court may by notification; make such provisions as appear to it to be necessary or expedient for removing the difficulty.

(2) No such notification shall be issued after expiry of two years from the date of commencement of this Act.

## STATEMENT OF OBJECTS AND REASONS

The Bombay Civil Courts Act, 1869 as applicable to the State of Gujarat was adopted by the State of Gujarat on its formation on the 1<sup>st</sup> May, 1960. With a view to carrying out the intention of the Government to have its own law for the State of Gujarat, it is considered necessary to enact the law relating to the Civil Courts in the State by repealing the said Bombay Act.

It is considered necessary to repeal the said Bombay Act also in view of the recommendations made by the First National Judicial Pay Commission popularly known as the Shetty Commission to have uniform nomenclature of designations of judicial officers throughout the country. For this purpose, the Commission has also supplied the draft of Civil Court Bill. Therefore, it is considered necessary to enact the law replacing the Bombay Civil Courts Act, 1869.

The following notes on clauses explain, in brief, the important provisions of the Bill :-

- Clause 2.-* This clause defines certain terms used in the Bill.
- Clause 3.-* This clause provides for classes of the civil courts in the State.
- Clause 4.-* This clause provides for establishment of Courts of District Judge.
- Clause 5.-* This clause provides for the establishment of Courts of Senior Civil Judge.
- Clause 6.-* This clause provides for the establishment of Courts of Civil Judge.
- Clause 7.-* This clause provides for the fixation and alteration of the location of civil courts by the State Government.
- Clause 10.-* This clause provides for as to who can be posted as the Principal District Judge or as an Additional District Judge, Principal Senior Civil Judge or as an Additional Senior Civil Judge and Principal Civil Judge or as an Additional Civil Judge.

*Clause 11.-* This clause provides for the powers of the State Government to fix the local limits of the jurisdiction for any civil court under this Act.

*Clauses 12,13 and 14.-* These clauses provide for the jurisdiction of the courts of the respective Judges within their local limits.

*Clause 15.-* This clause provides for the appeals from the decrees and orders passed respectively by the court of District Judge, court of Senior Civil Judge and court of Civil Judge.

*Clause 17.-* This clause provides for powers of the High Court to invest the jurisdiction of the trial of suits cognizable by court of Small Causes to any court of senior Civil Judge or the court of Civil Judge.

*Clause 18.-* This clause provides that no judicial officer shall try any suit, proceeding or appeal in which he is a party or personally interested.

*Clause 22.-* This clause provides for the provisions relating to vacation and holidays. It empowers the High Court to declare total number of days for vacation not exceeding 30 days. It also provides for the appointment of a Vacation Judge.

*Clause 24.-* (i) Sub-clause (1) of this clause empowers the High Court to invest in Senior Civil Judge the jurisdiction under the Divorce Act, 1869, the Succession Act, 1925 and Special Marriage Act, 1954 and the Guardians and Wards Act, 1890;

(ii) sub-clause (2) provides that every order made by the Senior Civil Judge under sub-clause (1) shall be subject to appeal to the High Court or Court of District Judge where the value of subject matter of the suits exceeds 5 lakh rupees or where it does not exceed 5 lakh rupees respectively.

*Clause 25.-* This clause empowers the High Court to prescribe by rules, the fees to be taken for any process issued by any civil court.

*Clause 27.-* This clause provides that no subordinate court other than the court of a Senior Civil Judge shall receive or register any suit in which the Government or any Officer of the Government in his official capacity is a party.

*Clause 29.-* (i) Sub-clause (1) of this clause empowers the High Court to make rules to carry out the purposes of the Act;



(ii) sub-clause (2) provides for the matters for which the High Court can make rules without prejudice to the generality of the power provided under sub-clause (1).

*Clause 30.* - This clause provides for the repeal of the Bombay Civil Courts Act, 1869.

*Clause 31.* - This clause empowers the State Government, in consultation with the High Court, by a notification in the *Official Gazette*, to make such provisions as appear to it to be necessary or expedient for removing the difficulty arising in giving effect to the provisions of the Act.

ASHOK BHATT

#### FINANCIAL MEMORANDUM

The Gujarat Civil Courts Bill, 2005 seeks to replace and repeal the Bombay Civil Courts Act, 1869. The administrative set up already exists for carrying into effect the provisions of the existing Act and the Courts already established under the said Act shall continue for the implementation of the provisions of the present Bill and as such, if the same is enacted and brought into force, it would not involve any additional expenditure from the Consolidated Fund of the State.

ASHOK BHATT

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

This Bill involves delegation of legislative powers in the following respects :

*Clause 1.* - Sub-clause (3) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

*Clause 2.* - Sub-clause (d) of this clause empowers the State Government to notify a revenue district or such local area to be a district for the purposes of this Act.

*Clause 4.* - (i) Sub-clause (1) of this clause empowers the State Government, in consultation with the High Court, by a notification, to establish in each district a Court of District Judge;

(ii) (a) sub-clause (3) of this clause empowers the State Government, in consultation with the High Court, to appoint one or more Judges to be called as Additional District Judges for such period as it deems necessary;

(b) sub-clause (3) of this clause also empowers the High Court to make any general or special order subject to which the Principal District Judge may assign all or any of the functions of a Principal District Judge under this Act to the Additional District Judge.

*Clause 5.* - (i) Sub-clause (1) of this clause empowers the State Government, in consultation with High Court, by notification, to establish a court of Senior Civil Judge for each district. It also empowers the State Government to establish a court of Senior Civil Judge for a part of a District and specify local limits of its jurisdiction;

(ii) (a) sub-clause (3) of this clause empowers the State Government to fix, in consultation with the High Court, the number of Judges to be called Additional Senior Civil Judges for such period as it deems necessary,

(b) sub-clause (3) of this clause also empowers the Principal District Judge to make any special or general order subject to which the Principal Senior Civil Judge may assign all or any of the functions of

a Principal Senior Civil Judge to the Additional Senior Civil Judges.

*Clause 6.-* (i) Sub-clause (1) of this clause empowers the State Government by a notification to establish in each District such number of courts of Civil Judges as may be fixed by the State Government, in consultation with the High Court and specify the local limits of jurisdiction of each such court;

(ii) (a) sub-clause (3) of this clause empowers the State Government in consultation with the High Court, to appoint to that court one or more Judges as Additional Civil Judges for such period as it deems necessary;

(b) sub-clause (3) of this clause empowers the Principal District Judge to make general or special order subject to which the Principal Civil Judge may assign all or any of the functions and powers of a Principal Civil Judge under this Act or any other law for the time being in force to the Additional Civil Judge.

*Clause 7.-* Sub-clause (1) of this clause empowers the State Government in consultation with the High Court to fix the place or places at which every Civil Court under this Act shall be held.

*Clause 8.-* This clause empowers the High Court in consultation with the State Government by order to determine for every Civil Court under this Act to use a seal which shall bear thereon the State Emblem and shall be in such form and of such dimension and with a name of the court in such language or languages.

*Clause 11.-* Sub-clause (1) of this clause empowers the State Government in consultation with the High Court, by notification to fix the local limits of jurisdiction of any Civil Court under this Act.

*Clause 13.-* This clause empowers the High Court to prescribe by rules, the jurisdiction of the court of a Senior Civil Judge from time to time.

*Clause 14.-* This clause empowers the High Court to specify the pecuniary jurisdiction of the court of Civil Judge.

*Clause 15.-* (i) Sub-clause (2) of this clause empowers the High Court to specify the pecuniary limits of the original suit or a



proceeding for the purpose of filing an appeal to the court of a District Judge;

(ii) sub-clause (3) of this clause empowers the High Court in consultation with the State Government, by notification to fix the pecuniary limits of the original suits or proceedings of a case for filing an appeal to the court of Senior Civil Judge.

*Clause 17.-* (i) Sub-clause (1) of this clause empowers the High Court by notification to invest with such restrictions as it determines with jurisdiction for the trial of suits cognizable by a court of small causes established under the provision of Small Causes Court Act, 1887 upto such amount as it deems proper with any court of Senior Civil Judge or a court of a Civil Judge;

(ii) sub-clause (2) of this clause empowers the High Court by notification to withdraw or alter the jurisdiction of a court of Senior Civil Judge or Civil Judge mentioned above.

*Clause 21.-* This clause empowers the Principal District Judge to empower any Senior Civil Judge or Civil Judge in the district to perform the duties of Principal Senior Civil Judge or Principal Civil Judge in the event of death, suspension or temporary absence of any Principal Senior Civil Judge or Principal Civil Judge.

*Clause 22.-* (i) Sub-clause (1) of this clause empowers the High Court to notify the public holidays for the whole State or for such area in the State as to on which days the Civil Courts shall remain closed;

(ii) sub-clause (2) of this clause empowers the High Court to declare the number of vacations in each year not exceeding 30 days as a whole;

(iii) sub-clause (3) of this clause empowers the High Court by a general or special order to appoint the Principal District Judge or an Additional District Judge or a Senior Civil Judge as vacation judge for the district and for duration of the adjournment of the court of Principal District Judge in any vacation or any part thereof and regulate the work to be discharged by the vacation judge.

*Clause 23.-* Sub-clause (2) of this clause empowers the High Court to specify in consultation with the State Government the forms; books of accounts, records and registers to be maintained by the Civil Court.

*Clause 24.-* Sub-clause (1) of this clause empowers the High Court by a general or special order to invest any Senior Civil Judge within such local limits and such peculiar limitations as may be specified in such order all or any of the powers of a District Judge under the Divorce Act, 1869, Succession Act, 1925, Special Marriage Act, 1954 or Guardians and Wards Act, 1890.

*Clause 25.-* This clause empowers the High Court with the sanction of the State Government to prescribe and regulate by rules, the fees to be taken for any process issued by the Civil Court.

*Clause 28.-* This clause empowers the High Court to constitute a consultative committee for each district.

*Clause 29.-* Sub-clause (1) of this clause empowers the High Court to make rules for carrying out the purposes of this Act and sub-clause (2) empowers it to make rules for all or any of the matters specified therein.

*Clause 31.-* This clause empowers the State Government in consultation, with the High Court by notification in the *Official Gazette*, to make an order to remove any difficulty that may arise in giving effect to the provisions of the Act.

The delegation of legislative powers as aforesaid is necessary and is of a normal character.

Dated the 11 March, 2005.

**ASHOK BHATT.**

By order and in the name of the Governor of Gujarat,

**S.S. PARMAR**

Gandhinagar,

Secretary to the Government of Gujarat,

Dated the 11th March, 2005. Legislative and Parliamentary Affairs Department.



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# The Gujarat Government Gazette EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XLVI] MONDAY, MARCH 14, 2005/PHALGUNA 23, 1926

Separate paging is given to this Part in order that it may be filed as a Separate Compilation

## PART - V

### Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bills published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

### THE BOMBAY ELECTRICITY DUTY (GUJARAT AMENDMENT) BILL, 2005.

### GUJARAT BILL NO. 27 OF 2005.

*further to amend the Bombay Electricity Duty Act, 1958.*

It is hereby enacted in the Fifty-sixth Year of the Republic of India as follows :-

1. (1) This Act may be called the Bombay Electricity Duty (Gujarat Amendment) Act, 2005.
- (2) It shall come into force on the 1<sup>st</sup> April, 2005.

Short title  
and  
commence-  
ment.



Amendment  
of Schedule  
of Bom.  
XL of  
1958.

2. In the Bombay Electricity Duty Act, 1958 (hereinafter referred to as "the Principal Act"), in Schedule I, in Part I, -

Bom. XL. of  
1958.

(1) in item (1), the words "or educational purposes" and the *Explanation* thereunder shall be deleted;

(2) after item (1), the following items shall be inserted, namely :-

1	2
“(1A) For energy consumed by a consumer in respect of premises used for educational purposes -	
(a) in rural areas	15 per cent. of consumption charges.
(b) in urban areas -	
(i) where the total consumption per month does not exceed 40 units	20 per cent. of consumption charges.
(ii) where the total consumption per month exceeds 40 units.	35 per cent. of consumption charges.

*Explanation.*- “Educational purpose” means the purpose of imparting education by an approved school as defined in clause (2) of section 2 of the Bombay Primary Education Act, 1947, a recognised school or a registered school as defined in clause (q) or, as the case may be, clause (s) of section 2 of the Gujarat Secondary Education Act, 1972, or a University established by any law for the time being in force in the State, or a College affiliated to, or an institution recognised or approved by each University.

Bom. LXI of 1947.

Guj. 18 of 1972.

(1B) For energy consumption by Hostel for students. 15 per cent. of consumption charges.”;

(3) in item (2), in column 2, for the figures and words “30 per cent.”, the figures and words “15 per cent.” shall be substituted;

(4) in item (3), in column 2, for the figures and words “45 per cent.”, the figures and words “35 per cent.” shall be substituted;

(5) in item (4), in sub-item (b), in column 2, for the figures and words “45 per cent.”, the figures and words “35 per cent.” shall be substituted;

(6) in item (5), in sub-item (a), in column 2, for the figures and words “20 per cent.”, the figures and words “15 per cent.” shall be substituted;

(7) in item (7), in column 2, for the figures and words "45 per cent.", the figures and words "35 per cent." shall be substituted.

**Amendment of  
Schedule II to  
Bom. XL of  
1958.**

3. In the principal Act, in Schedule II, in Part I, in item (7), in column 2, for the figures and words "70 paise per unit", the figures and words "40 paise per unit" shall be substituted.

**STATEMENT OF OBJECTS AND REASONS**

This Bill seeks to amend the Bombay Electricity Duty Act, 1958, with a view to giving effect to the proposal contained in the Budget Speech of the Finance Minister in the Gujarat Legislative Assembly on the 18<sup>th</sup> February, 2005.

Dated the 11th March, 2005.

**SAURABH PATEL.**

By order and in the name of the Governor of Gujarat,

**S. S. PARMAR,**

Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

Gandhinagar,  
Dated the 14<sup>th</sup> March, 2005

**Government Central Press, Gandhinagar.**





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# The Gujarat Government Gazette

## EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XLVI]

WEDNESDAY, MARCH 16, 2005/PHALGUNA 25, 1926

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### PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the Gujarat Government Gazette. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

### THE GUJARAT APPROPRIATION BILL, 2005.

GUJARAT BILL NO. 28 OF 2005.

#### A BILL

to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Gujarat for the services of the financial year ending on the thirty-first day of March, 2006.

It is hereby enacted in the Fifty-sixth Year of the Republic of India as follows :-

1. This Act may be called the Gujarat Appropriation Act, 2005.
2. From and out of the Consolidated Fund of the State of Gujarat, there may be withdrawn sums not exceeding those specified in column 3 of the Schedule hereto annexed amounting in the aggregate to the sum of thirty-six thousand four hundred sixty-four crores ninety-nine lakhs, twenty-five thousand rupees towards defraying the several charges which will come in course of payment during the financial year 2005-06 in respect of the services and purposes specified in column 2 of the Schedule.
3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

Short title.

Withdrawal of  
Rs. 3,64,64,99,25,000  
from and out of the  
Consolidated Fund  
of the State of  
financial year  
2005-2006.

Appropriation.

**SCHEDULE**  
(See sections 2 and 3)

No. of Vote/ Appropriation	Services and Purposes		Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2		3		
			Rs.	Rs.	Rs.
1	Agriculture and Co-operation Department	Revenue	10,79,39,000	-	10,79,39,000
2	Agriculture	Revenue	4,20,59,54,000	-	4,20,59,54,000
		Capital	6,80,50,000	-	6,80,50,000
3	Minor Irrigation, Soil Conservation and Area Development	Revenue	50,79,45,000	-	50,79,45,000
		Capital	10,000	-	10,000
4	Animal Husbandry and Dairy Development	Revenue	89,33,62,000	-	89,33,62,000
5	Co-operation	Revenue	41,59,06,000	-	41,59,06,000
		Capital	14,94,69,000	-	14,94,69,000
6	Other Expenditure pertaining to Agriculture and Co-operation Department	Capital	3,30,65,000	-	3,30,65,000
7	Education Department	Revenue	3,06,50,000	-	3,06,50,000
8	Education	Revenue	39,68,16,99,000	1,22,59,20,000	40,90,76,19,000
		Capital	1,48,19,30,000	-	1,48,19,30,000
9	Other Expenditure pertaining to Education Department	Revenue	1,10,20,000	-	1,10,20,000
		Capital	44,55,55,000	-	44,55,55,000
10	Energy and Petro-Chemicals Department	Revenue	2,02,48,000	-	2,02,48,000
11	Tax Collection Charges (Energy and Petro-Chemicals Department)	Revenue	5,78,40,000	-	5,78,40,000
12	Energy Projects	Revenue	21,14,67,71,000	1,25,00,000	21,15,92,71,000
		Capital	1,23,49,29,000	-	1,23,49,29,000
13	Other Expenditure pertaining to Energy and Petro-Chemicals Department	Revenue	15,00,000	-	15,00,000
		Capital	5,01,00,000	-	5,01,00,000
14	Finance Department	Revenue	6,08,05,000	-	6,08,05,000
		Capital	9,00,000	-	9,00,000
15	Tax Collection Charges (Finance Department)	Revenue	1,08,73,37,000	-	1,08,73,37,000
16	Treasury and Accounts Administration	Revenue	40,21,80,000	-	40,21,80,000
17	Pensions and Other Retirement Benefits	Revenue	14,60,32,55,000	10,00,000	14,60,42,55,000
18	Other Expenditure pertaining to Finance Department	Revenue	15,83,61,36,000	-	15,83,61,36,000
		Capital	8,01,81,90,000	1,00,000	8,01,82,90,000
19	Repayment of debt pertaining to Finance Department and its Servicing	Revenue	-	58,08,43,80,000	58,08,43,80,000
		Capital	-	48,52,59,02,000	48,52,59,02,000
20	Food, Civil Supplies and Consumer Affairs Department	Revenue	7,33,70,000	-	7,33,70,000
21	Civil Supplies	Revenue	1,52,49,05,000	-	1,52,49,05,000
22	Food	Revenue	12,74,05,000	-	12,74,05,000
		Capital	1,25,00,000	-	1,25,00,000
23	Other Expenditure pertaining to Food, Civil Supplies and Consumer Affairs Department	Capital	32,00,000	-	32,00,000
24	Forest and Environment Department	Revenue	3,71,85,000	-	3,71,85,000
25	Forest	Revenue	1,17,63,34,000	-	1,17,63,34,000
		Capital	87,47,50,000	-	87,47,50,000
26	Environment	Revenue	4,54,00,000	-	4,54,00,000
27	Other Expenditure pertaining to Forest and Environment Department	Capital	73,25,000	-	73,25,000
28	Governor	Revenue	-	2,48,53,000	2,48,53,000
29	Council of Ministers	Revenue	1,50,51,000	-	1,50,51,000
30	Elections	Revenue	17,94,80,000	-	17,94,80,000
31	Public Service Commission	Revenue	88,95,000	2,66,70,000	3,53,65,000
32	Economic Advice and Statistics	Revenue	24,53,62,000	-	24,53,62,000
34	Other Expenditure pertaining to General Administration Department	Revenue	11,01,62,000	-	11,01,62,000
		Capital	2,07,53,76,000	6,70,000	2,07,60,46,000
35	State Legislature	Revenue	12,47,18,85,000	-	12,47,18,85,000
36	Loans and Advances to Government servants in Gujarat Legislature Secretariat	Capital	8,83,50,000	12,74,000	8,96,24,000
		Capital	46,07,000	-	46,07,000
37	Health and Family Welfare Department	Revenue	10,36,69,000	-	10,36,69,000
38	Medical and Public Health	Revenue	7,97,02,98,000	-	7,97,02,98,000
39	Family Welfare	Revenue	1,26,27,57,000	-	1,26,27,57,000
40	Other Expenditure pertaining to Health and Family Welfare Department	Revenue	14,25,000	-	14,25,000
		Capital	3,55,10,000	-	3,55,10,000
41	Home Department	Revenue	18,57,40,000	-	18,57,40,000

No. of Vote/ Appro- priation	Services and Purposes		Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2		Rs.	Rs.	Rs.
42	Police	Revenue	8,03,88,85,000	-	8,03,88,85,000
43	Jails	Revenue	26,06,86,000	-	26,06,86,000
44	Transport	Revenue	3,89,13,25,000	-	3,89,13,25,000
		Capital	2,01,69,00,000	-	2,01,69,00,000
45	State Excise	Revenue	4,96,60,000	-	4,96,60,000
46	Other expenditure pertaining to Home Department	Revenue	45,35,59,000	3,00,000	45,38,59,000
		Capital	2,23,07,30,000	-	2,23,07,30,000
47	Industries and Mines Department	Revenue	5,77,83,000	-	5,77,83,000
48	Stationery and Printing	Revenue	36,12,37,000	-	36,12,37,000
49	Industries	Revenue	2,45,65,83,000	-	2,45,65,83,000
		Capital	1,10,34,50,000	-	1,10,34,50,000
50	Mines and Minerals	Revenue	22,55,73,000	-	22,55,73,000
51	Tourism	Revenue	33,17,54,000	-	33,17,54,000
		Capital	2,10,00,000	-	2,10,00,000
52	Other Expenditure pertaining to Industries and Mines Department	Revenue	7,82,00,000	-	7,82,00,000
		Capital	1,60,10,000	-	1,60,10,000
53	Information and Broadcasting Department	Revenue	52,95,000	-	52,95,000
54	Information and Publicity	Revenue	23,62,60,000	-	23,62,60,000
55	Other Expenditure pertaining to Information and Broadcasting Department	Revenue	2,94,65,000	-	2,94,65,000
		Capital	83,00,000	-	83,00,000
56	Labour and Employment Department	Revenue	3,27,34,000	-	3,27,34,000
57	Labour and Employment	Revenue	1,12,95,74,000	-	1,12,95,74,000
58	Other Expenditure pertaining to Labour and Employment Department	Capital	61,20,000	-	61,20,000
59	Legal Department	Revenue	3,31,15,000	-	3,31,15,000
60	Administration of Justice	Revenue	1,39,40,83,000	18,51,39,000	1,57,92,22,000
61	Other Expenditure pertaining to Legal Department	Revenue	14,32,85,000	-	14,32,85,000
		Capital	14,64,30,000	-	14,64,30,000
62	Legislative and Parliamentary Affairs Department	Revenue	1,99,80,000	-	1,99,80,000
63	Other Expenditure pertaining to Legislative and Parliamentary Affairs Department	Capital	15,00,000	-	15,00,000
64	Narmada, Water Resources, Water Supply and Kalpsar Department	Revenue	4,89,20,000	-	4,89,20,000
65	Narmada Development Scheme	Capital	10,19,94,22,000	-	10,19,94,22,000
66	Irrigation and Soil Conservation	Revenue	3,10,64,60,000	-	3,10,64,60,000
		Capital	6,78,28,00,000	-	6,78,28,00,000
67	Water Supply	Revenue	1,62,51,33,000	-	1,62,51,33,000
		Capital	5,46,72,00,000	-	5,46,72,00,000
68	Other Expenditure pertaining to Narmada, Water Resources, Water Supply and Kalpsar Department	Capital	15,31,30,000	-	15,31,30,000
69	Panchayats, Rural Housing and Rural Development Department	Revenue	3,06,78,000	-	3,06,78,000
70	Community Development	Revenue	3,22,55,95,000	-	3,22,55,95,000
71	Rural Housing and Rural Development	Revenue	3,32,85,78,000	1,52,40,00,000	4,85,25,78,000
		Capital	1,000	-	1,000
72	Compensation and Assignments	Revenue	71,61,28,000	-	71,61,28,000
73	Other Expenditure pertaining to Panchayats, Rural Housing and Rural Development Department	Revenue	1,14,42,00,000	-	1,14,42,00,000
		Capital	37,94,50,000	-	37,94,50,000
74	Fisheries	Revenue	51,63,11,000	-	51,63,11,000
		Capital	10,28,70,000	-	10,28,70,000
75	Other Expenditure pertaining to Ports and Fisheries Department	Revenue	81,55,000	-	81,55,000
76	Revenue Department	Revenue	15,98,55,000	-	15,98,55,000
77	Tax Collection Charges (Revenue Department)	Revenue	62,77,79,000	-	62,77,79,000
78	District Administration	Revenue	81,20,26,000	-	81,20,26,000
79	Relief on account of Natural Calamities	Revenue	3,69,45,01,000	-	3,69,45,01,000
80	Dangs District	Revenue	20,20,90,000	-	20,20,90,000
81	Compensation and Assignments	Revenue	36,11,65,000	14,35,000	36,26,00,000
		Capital	48,15,000	2,00,000	50,15,000



No. of Vote/ Appro- priation	Services and Purposes		Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2		3		
82	Other Expenditure pertaining to Revenue Department	Revenue	1,55,24,000	-	1,55,24,000
		Capital	1,45,20,000	-	1,45,20,000
83	Roads and Buildings Department	Revenue	6,11,00,000	-	6,11,00,000
84	Non-Residential Buildings	Revenue	2,28,66,55,000	7,00,000	2,28,73,55,000
		Capital	1,29,52,06,000	-	1,29,52,06,000
85	Residential Buildings	Revenue	78,59,47,000	-	78,59,47,000
		Capital	16,42,93,000	-	16,42,93,000
86	Roads and Bridges	Revenue	6,30,04,92,000	-	6,30,04,92,000
		Capital	6,82,25,36,000	-	6,82,25,36,000
87	Gujarat Capital Construction Scheme	Revenue	8,56,10,000	-	8,56,10,000
		Capital	23,08,00,000	-	23,08,00,000
88	Other Expenditure pertaining to Roads and Buildings Department	Revenue	10,55,55,000	-	10,55,55,000
		Capital	29,78,75,000	-	29,78,75,000
89	Science and Technology Department	Revenue	91,50,90,000	-	91,50,90,000
90	Other Expenditure pertaining to Science and Technology Department	Revenue	42,77,00,000	-	42,77,00,000
		Capital	6,72,65,000	-	6,72,65,000
91	Social Justice and Empowerment Department	Revenue	2,24,95,000	-	2,24,95,000
92	Social Security and Welfare	Revenue	2,29,96,59,000	95,00,000	2,30,91,59,000
		Capital	2,04,91,000	-	2,04,91,000
93	Welfare of Scheduled Tribes	Revenue	70,31,51,000	-	70,31,51,000
		Capital	2,00,00,000	-	2,00,00,000
94	Other Expenditure pertaining to Social Justice and Empowerment Department	Capital	2,47,55,000	-	2,47,55,000
95	Special Component Plan for Scheduled Castes	Revenue	3,35,33,55,000	-	3,35,33,55,000
		Capital	23,03,00,000	-	23,03,00,000
96	Tribal Area Sub-Plan	Revenue	10,21,71,93,000	-	10,21,71,93,000
		Capital	2,90,17,64,000	-	2,90,17,64,000
97	Sports, Youth and Cultural Activities Department	Revenue	1,12,60,000	-	1,12,60,000
98	Youth Services and Cultural Activities	Revenue	30,27,22,000	-	30,27,22,000
99	Other Expenditure pertaining to Sports, Youth, and Cultural Activities Department	Capital	46,30,000	-	46,30,000
100	Urban Development and Urban Housing Department	Revenue	1,62,75,000	-	1,62,75,000
101	Urban Housing	Revenue	5,33,26,000	59,75,16,000	65,08,42,000
102	Urban Development	Revenue	4,64,83,55,000	-	4,64,83,55,000
		Capital	50,000	-	50,000
103	Compensation, Assignments and Tax Collection Charges	Revenue	72,50,00,000	30,01,03,000	1,02,51,03,000
104	Other Expenditure pertaining to Urban Development and Urban Housing Department	Revenue	1,01,75,000	-	1,01,75,000
		Capital	35,21,000	-	35,21,000
105	Women and Child Development Department	Revenue	68,45,000	-	68,45,000
106	Other Expenditure pertaining to Women and Child Development Department	Revenue	1,94,97,43,000	55,00,000	1,95,52,43,000
		Capital	5,08,06,000	-	5,08,06,000
Total:		Revenue	1,88,44,13,48,000	62,00,14,60,000	2,50,44,28,08,000
		Capital	65,68,09,15,000	48,52,62,02,000	1,14,20,71,17,000
			2,54,12,22,63,000	1,10,52,76,62,000	3,64,64,99,25,000

**STATEMENT OF OBJECTS AND REASONS**

Article 204(1) of the Constitution of India requires that as soon as may be after the grants have been made by the Assembly, there shall be introduced a Bill to provide for the appropriation out of the Consolidated Fund of the State, of all moneys required to meet-

- (a) the grants so made by the Assembly, and
- (b) the expenditure charged on the Consolidated Fund of the State but not exceeding in any case the amount shown in the Statement previously laid before the Legislative Assembly.

The Bill accordingly specifies the gross amount required to meet grants made by the Assembly and the expenditure charged on the Consolidated Fund of the State for the financial year ending on the 31st March, 2006.

The amounts are shown below: - Rs.

(a) Revenue Expenditure....	2,50,44,28,08,000
(b) Capital Expenditure ....	1,14,20,71,17,000
Total :-	<u>3,64,64,99,25,000</u>

Dated the 15<sup>th</sup> March , 2005.

**VAJUBHAI VALA.**

By order and in the name of the Governor of Gujarat,

**Gandhinagar,  
Dated the 16th March, 2005.**

**S. S. PARMAR,  
Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs  
Department.**

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Government Central Press, Gandhinagar.



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# The Gujarat Government Gazette

## EXTRAORDINARY

### PUBLISHED BY AUTHORITY

Vol. XLVI] WEDNESDAY, MARCH 16, 2005/PHALGUNA 25, 1926

Separate paging is given to this Part in order that it may be filed as a Separate Compilation

### PART - V

#### Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)  
The following Bill is published with the consent of the Speaker given under the proviso to rule 127-A of the Gujarat Legislative Assembly Rules:-

#### THE GUJARAT SALARIES AND ALLOWANCES OF MEMBERS, SPEAKER AND DEPUTY SPEAKER OF THE GUJARAT LEGISLATIVE ASSEMBLY, MINISTERS AND LEADER OF THE OPPOSITION LAWS (AMENDMENT) BILL, 2005.

#### GUJARAT BILL NO. 29 OF 2005.

#### A BILL

*further to amend the laws relating to salaries and allowances of Members,  
Speaker and Deputy Speaker of the Gujarat Legislative Assembly,  
Ministers and Leader of the Opposition.*

It is hereby enacted in the Fifty-sixth Year of the Republic of India  
as follows :--

1. (1) This Act may be called the Gujarat Salaries and Allowances of Members, Speaker and Deputy Speaker of the Gujarat Legislative Assembly, Ministers and Leader of the Opposition Laws (Amendment) Act, 2005.

Short title and  
commencement.

(2) It shall come into force on the 1<sup>st</sup> April, 2005.



2. The enactments specified in column 2 of the Schedule shall be amended to the extent and in the manner specified in column 3 of the said Schedule. Amendment of certain enactments.

### SCHEDULE

(See section 2.)

No.	Name of the enactment.	Extent of amendments.
1	2	3
1.	The Gujarat Legislative Assembly Members' Salaries and Allowances Act, 1960 (Guj.II of 1960). Salaries to be paid to Members and consolidated allowance.	<p>1. For section 3, the following section shall be substituted, namely:-</p> <p>"3. (1) There shall be paid to each Member during the whole of his term of office, a salary per month at the rate of minimum basic pay payable to a Class I officer in the lower rung of the State Government.</p> <p>(2) There shall be paid to each Member during the whole of his term of office per month, the consolidated allowance on the aggregate amount of the pay, cost of telephone charges, services of personal assistant and postal and stationery charges referred to in sub-section (1) of this section, sub-section (2) of section 6A and sub-sections (2) and (5A) of section 8 respectively, at the rate of dearness allowance applicable to the employees of the State Government.</p> <p><i>Explanation:-</i> For the purpose of this sub-section, 'dearness allowance' means the dearness allowance as may be increased by the State Government from time to time after the 1st April, 2005 but does not include dearness allowance already declared prior to the said date."</p> <p>2. In section 4, in clauses (a) and (b), for the figures "150", the figures "200" shall be substituted.</p> <p>3. In section 6A, in sub-section (2), for the figures "3,000", the figures "4,000" shall be substituted.</p>

4. In section 8,--

(1) in sub-section (2); for the figures "2,400", the figures "3,000" shall be substituted;

(2) in sub-section (5A), for the figures "1,600", the figures "3,000" shall be substituted.

2. The Gujarat Legislative Assembly (Speaker and Deputy Speaker) Salaries and Allowances Act, 1960 (Guj.III of 1960).

1. In section 3, -

(1) for the figures "4,500", the figures "10,000" shall be substituted;

(2) the following proviso shall be added, namely :-

"Provided that where the salary of the Members of the Assembly increases by virtue of the provisions of sub-section (1) of section 3 of the Gujarat Legislative Assembly Members' Salaries and Allowances Act, 1960, the salary to be paid to the Speaker shall be increased in proportion to the increase in the salary of the Member of the Assembly."

Guj. II of 1960.

2. In section 3A, for the figures "3,500", the figures "7,000" shall be substituted.

3. After section 3A, the following new section shall be inserted, namely :-

**Dearness allowance to Speaker.**

**"3B.** There shall be paid to the Speaker during the whole of his term of office per month the dearness allowance on the aggregate amount of the salary, consolidated allowance and the conveyance allowance referred to in sections 3, 3A and sub-section (2) of section 5 respectively, at the rate of dearness allowance applicable to the employees of the State Government.

*Explanation.-* For the purpose of this section, 'dearness allowance' means the dearness allowance as may be increased by the State Government from time to time after the 1st April, 2005 but does not include dearness allowance already declared prior to the said date."

4. In section 5, in sub-section (2), for the figures "3,000", the figures "4,000" shall be substituted.

5. In section 10,-

(1) for the figures "4,500", the figures "10,000" shall be substituted;

(2) the following proviso shall be added, namely :-

"Provided that where the salary of the Members of the Assembly increases by virtue of the provisions of sub-section (1) of section 3 of the Gujarat Legislative Assembly Members' Salaries and Allowances Act, 1960, the salary to be paid to the Deputy Speaker shall be increased in proportion to the increase in the salary of the Member of the Assembly."

Guj. II of 1960.

6. In section 10A, for the figures "3,500", the figures "7,000" shall be substituted.

7. After section 10A, the following new section shall be inserted, namely :-

**Dearness allowance to Deputy Speaker.**

**"10B.** There shall be paid to the Deputy Speaker during the whole of his term of office per month the dearness allowance on the aggregate amount of the salary, consolidated allowance and the conveyance allowance referred to in sections 10, 10A and sub-section (3) of section 12C respectively, at the rate of dearness allowance applicable to the employees of the State Government.

*Explanation.-* For the purpose of this section, 'dearness allowance' means the dearness allowance as may be increased by the State Government from time to time after the 1st April, 2005 but does not include dearness allowance already declared prior to the said date."



8. In section 12C, in sub-section (3), for the figures "3,000", the figures "4,000" shall be substituted.

3. The Gujarat Ministers' Salaries and Allowances Act, 1960 (Guj. VI of 1960).

1. In section 3,-

(1) for the figures "4,500" occurring at two places, the figures "10,000" shall be substituted;

(2) the following proviso shall be added, namely :-

Guj. II of 1960.

"Provided that where the salary of the Members of the Assembly increases by virtue of the provisions of sub-section (1) of section 3 of the Gujarat Legislative Assembly Members' Salaries and Allowances Act, 1960, the salary to be paid to the Minister shall be increased in proportion to the increase in the salary of the Member of the Assembly."

2. In section 3A, for the figures "3,500", the figures "7,000" shall be substituted.

3. After section 3A, the following new section shall be inserted, namely :-

**Dearness allowance to Ministers.**

**"3B.** There shall be paid to each Minister during the whole of his term of office per month the dearness allowance on the aggregate amount of the salary, consolidated allowance and the conveyance allowance referred to in sections 3, 3A and sub-section (2) of section 5 respectively, at the rate of dearness allowance applicable to the employees of the State Government.

*Explanation.-* For the purpose of this section, 'dearness allowance' means the dearness allowance as may be increased by the State Government from time to time after the 1st April, 2005 but does not include dearness allowance already declared prior to the said date."

4. In section 5, in sub-section (2), for the figures "3,000", the figures "4,000" shall be substituted.

5. In section 6,-

(1) for the figures "4,500", the figures "10,000" shall be substituted;

(2) the following proviso shall be added, namely :-

"Provided that where the salary of the Members of the Assembly increases by virtue of the provisions of sub-section (1) of section 3 of the Gujarat Legislative Assembly Members' Salaries and Allowances Act, 1960, the salary to be paid to the Deputy Minister shall be increased in proportion to the increase in the salary of the Member of the Assembly."

Guj. II of 1960.

6. In section 6A, for the figures "3,500", the figures "7,000" shall be substituted.

7. After section 6A, the following new section shall be inserted, namely :-

Dearness allowance to Deputy Ministers.

"6B. There shall be paid to each Deputy Minister during the whole of his term of office per month the dearness allowance on the aggregate amount of the salary, consolidated allowance and the conveyance allowance referred to in sections 6, 6A and sub-section (2) of section 8 respectively, at the rate of dearness allowance applicable to the employees of the State Government.

*Explanation.-* For the purpose of this section, 'dearness allowance' means the dearness allowance as may be increased by the State Government from time to time after the 1st April, 2005 but does not include dearness allowance already declared prior to the said date."

8. In section 8, in sub-section (2), for the figures "3,000", the figures "4,000" shall be substituted.

4. The Gujarat Legislative Assembly (Leader of the Opposition) Salary and Allowances Act, 1979 (Guj. 16 of 1979).

1. In section 3,-

(1) for the figures "4,500", the figures "10,000" shall be substituted;

(2) the following proviso shall be added, namely :-

Guj. 11 of 1960.

"Provided that where the salary of the Members of the Assembly increases by virtue of the provisions of sub-section (1) of section 3 of the Gujarat Legislative Assembly Members' Salaries and Allowances Act, 1960, the salary to be paid to the Leader of Opposition shall be increased in proportion to the increase in the salary of the Member of the Assembly."

2. In section 3A, for the figures "3,500", the figures "7,000" shall be substituted.

3. After section 3A, the following new section shall be inserted, namely :-

**Dearness allowance to the Leader of Opposition.**

**"3B.** There shall be paid to the Leader of the Opposition during the whole of his term of office per month the dearness allowance on the aggregate amount of the salary, consolidated allowance and the conveyance allowance referred to in sections 3, 3A and sub-section (2) of section 5 respectively, at the rate of dearness allowance applicable to the employees of the State Government.

*Explanation.-* For the purpose of this section, 'dearness allowance' means the dearness allowance as may be increased by the State Government from time to time after the 1st April, 2005 but does not include dearness allowance already declared prior to the said date."

4. In section 5, in sub-section (2), for the figures "3,000", the figures "4,000" shall be substituted.

5. In section 8, in sub-section (2), for the figures "500", the figures "1,000" shall be substituted.



## STATEMENT OF OBJECTS AND REASONS

Salaries and allowances of the Members of the Gujarat Legislative Assembly are not increased since 1998, inspite of the fact that thereafter there is rise in the cost of living and also in the telephone and postal charges. The Committee on Rules for the Member Allowances (Eleventh Gujarat Legislative Assembly) has recommended to increase the salaries and allowances payable to the Members under the provisions of the Gujarat Legislative Assembly Members' Salaries and Allowances Act, 1960. In order to streamline the salary and allowances and to evolve a formula linked with rise in price, it is considered necessary to pay the salary to the Members at the rate of minimum basic pay payable to Class I Officer in the lower rung of the State Government and also to pay the consolidated allowance at the rate of dearness allowance as may be increased by the State Government from time to time after the 1<sup>st</sup> April, 2005 payable to the Government employees, on the aggregate amount of the salary and other allowances payable to the Members.

It is also considered necessary to increase the postal and stationery charges from Rs. 1600/- to Rs. 3000/-, telephone charges from Rs. 3000/- to Rs. 4,000/-, the amount towards cost of services of Personal Assistant from Rs. 2400/- to Rs. 3000/- and the amount of daily allowance from Rs. 150/- to Rs. 200/-.

It is proposed to amend the said Act to provide accordingly.

Under the existing provisions of the relevant laws, the salary of Rs. 4500/- payable to the Speaker, Deputy Speaker, Minister and the Leader of the Opposition is proposed to be revised to Rs. 10,000/-. A provision has also been made to the effect that where salary of the Members of the Assembly increases, the salary payable to the Speaker, Deputy Speaker, Ministers and the Leader of the Opposition shall also be increased in proportion to the increase in the salary of the Members. It is also proposed to increase the consolidated allowances payable to them from Rs. 3500/- to Rs. 7,000/- and the conveyance allowances from Rs. 3000/- to Rs. 4,000/-. It is also considered necessary to pay dearness allowance as may be increased by the State Government from time to time after the 1<sup>st</sup> April, 2005 payable to the Government employees on the aggregate amount of the salary and other allowances payable to the Speaker, Deputy Speaker, Ministers and the Leader of the Opposition.

The postal charges payable to the Leader of the Opposition is also proposed to be increased from Rs. 500/- to Rs. 1000/-.

This Bill seeks to amend the laws relating to salaries and allowances of the Members, the Speaker and the Deputy Speaker of the Gujarat Legislative Assembly and also the Ministers and Leader of the Opposition to achieve the aforesaid objects.

**ASHOK BHATT**

### **FINANCIAL MEMORANDUM**

The provisions of the Bill if enacted and brought into operation would involve an additional annual expenditure of approximately Rs. 2,07,60,240/- from the Consolidated Fund of the State. The aforesaid additional annual expenditure would be of a recurring nature.

Dated the 15<sup>th</sup> March, 2005.

**ASHOK BHATT.**

By order and in the name of the Governor of Gujarat

**S. S. PARMAR,**  
Secretary to the Government of Gujarat  
Legislative and Parliamentary Affairs Department.  
Gandhinagar,  
Dated the 16th March, 2005.

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Government Central Press, Gandhinagar.



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**EXTRAORDINARY**  
**PUBLISHED BY AUTHORITY**

Vol : XLVII WEDNESDAY, SEPTEMBER 7, 2005/BHADRA 16, 1926

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## PART V

**Bills introduced in the Gujarat Legislative Assembly.**

(To be translated into Gujarati and the translation to be published in the *GUJARAT GOVERNMENT GAZETTE*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

### THE BOMBAY ELECTRICITY DUTY (GUJARAT SECOND AMENDMENT) BILL, 2005.

**GUJARAT BILL NO. 30 OF 2005.**

#### *A BILL*

*further to amend the Bombay Electricity Duty Act, 1958.*

It is hereby enacted in the Fifty-sixth Year of the Republic of India as follows:-

1. (1) This Act may be called the Bombay Electricity Duty (Gujarat Second Amendment) Act, 2005.

Short title and commencement.

(2) It shall come into force on the 1<sup>st</sup> October, 2005.



Amendment  
of section 3  
of Bom.  
XL of 1958.

2. In the Bombay Electricity Duty Act, 1958 (hereinafter referred to as "the principal Act"), in section 3,-

Bom.  
XL of 1958.

- (1) in sub-section (1), for the brackets, figures and letters "(2A), (2AA), (2AAA)", the brackets, figures and letters "(2AA), (2AAA), (2B)" shall be substituted;
- (2) in sub-section (2), for clause (vii) and the *Explanation* thereunder, the following clause and *Explanation* shall be substituted, namely:-

"(vii) for motive power and lighting in respect of premises used by a new industrial undertaking for industrial purpose, subject to such terms and conditions as may be prescribed, for a period of five years from the date on which such industrial undertaking begins to manufacture or produce goods for the first time:

Provided that no new industrial undertaking shall be entitled for exemption from payment of electricity duty under this clause, unless it has obtained a certificate regarding eligibility for such exemption in prescribed form by making an application therefore in such form, within such period and to such officer as may be prescribed.

*Explanation.* - For the purpose of this clause "a new industrial undertaking" means any industrial undertaking which-

- (a) is not formed by the splitting up or the reconstruction of a business or undertaking already in existence in the State; or
  - (b) is not formed by transfer to a new business or undertaking of a building, machinery or plant previously used in India for any industrial purpose, of such value in relation to total value of the aforesaid investments, as the State Government may, by notification in the *Official Gazette*, specify; or
  - (c) is not an expansion of the existing business or undertaking in the State.";
- (3) after sub-section (2AAA), the following sub-section shall be inserted, namely:-

"(2B) (a) Nothing contained in this Act as amended by the Bombay Electricity Duty (Gujarat Second Amendment) Act, 2005 (hereinafter referred to as "the amending Act of 2005") shall affect any exemption granted to an existing industrial undertaking before the 1<sup>st</sup> October, 2005 and such exemption shall continue for the period provided in clause (vii) of sub-section (2) as if the amending Act of 2005 was not passed.

Guj. ....  
of 2005.

(b) Notwithstanding anything contained in clause (vii) of sub-section (2) as amended by the amending Act of 2005, any existing industrial undertaking which was eligible for exemption under the provisions of clause (vii) of sub-section (2) before the 1<sup>st</sup> October, 2005 but which did not avail of such exemption before that date shall be eligible for such exemption under the said clause (vii) as if the amending Act of 2005 was not passed.

*Explanation.-* For the purpose of this sub-section, an existing industrial undertaking means an industrial undertaking which exists on the 1<sup>st</sup> October, 2005 and which manufactures or produces goods but does not include an undertaking which manufactures or produces any kind of food and drinks meant ordinarily for consumption on the premises of the undertaking.”.

3. In the principal Act, in section 4, in sub-section (3A), in clause (b), for the words “five years in aggregate”, the words “five years in aggregate, if deferment is allowed for hundred per cent. of the payment liability of electricity duty and not exceeding seven years in aggregate, if deferment is allowed for fifty per cent. of the payment liability of electricity duty” shall be substituted.

Amendment of  
section 4 of  
Bom. XI. of  
1958.

4. In the principal Act, section 8 shall be re-numbered as sub-section (1) of that section and after sub-section (1) as so re-numbered, the following sub-sections shall be added, namely:-

Amendment of  
section 8 of  
Bom. XI. of  
1958.

“(2) Where any sum due on account of electricity duty is collected by the licensee but not paid to the State Government within a period of six months from the due date of payment thereof, such licensee shall also be liable to pay penalty on such sum (not exceeding 12 per cent. per annum) as the State Government may, by general or special order fix and the sum together with interest and penalty shall be recoverable either through a civil court or as an arrears of land revenue.

(3) Where any sum due on account of electricity duty is paid by the consumer but the interest due thereon is not paid by such consumer within six months from the date of such payment, such consumer shall also be liable to pay penalty (not exceeding 12 per cent. per annum) on such sum as the State Government may, by general or special order fix and such sum together with interest and penalty shall be recoverable either through a civil court or as an arrears of land revenue.

(4) Where the consumer or, as the case may be, the licensee is liable to pay electricity duty, penalty or interest and he makes payment of an amount which is less than the aggregate of the amount of electricity duty, penalty and interest, the amount so paid shall be first applied towards the amount of interest, thereafter the balance, if any, towards the amount of penalty and thereafter the balance if any, towards the amount of electricity duty.



(5) The State Government may, by general or special order, waive the whole or any part of interest or penalty payable under this section in such circumstances, on such terms and conditions and for such period as may be prescribed."

Amendment  
of section 9 of  
Bom.  
XL of 1958.

5. In the principal Act, in section 9, for the words "one thousand rupees", the words "ten thousand rupees" shall be substituted.

Amendment  
of section  
12 of Bom.  
XL of 1958.

6. In the principal Act, in section 12, in sub-section (2),-

(1) before clause (a-1), the following clause shall be inserted, namely :-

"(a-2) prescribe the terms and conditions subject to which new industrial undertaking shall be entitled for exemption from payment of electricity duty under clause (vii) of sub-section (2) of section 3;"

(2) in clause (a-1), after the words "within which", the words "and the officer to whom" shall be inserted;

(3) after clause (d), the following clause shall be inserted, namely :-

"(dd) prescribe the circumstances in which, the terms and conditions subject to which and the period for which the interest or penalty may be waived under sub-section (5) of section 8;"

Amendment of  
Schedule II of  
Bom. XL of  
1958.

7. In the principal Act, in Schedule II, in Part I, for the item (5) and the *Explanation* thereunder, the following item and the *Explanation* shall be substituted, namely :-

"(5) For energy consumed by an industrial undertaking not being an undertaking to which item (2) or (4) applies, other than energy consumed in respect of any of its premises used for residential purposes. 40 paise per unit.

*Explanation.* - Any energy consumed by the industrial undertaking for installation of additional plants, machineries and equipments of such industrial undertaking shall be construed as energy consumed by the industrial undertaking."



**STATEMENT OF OBJECTS AND REASONS**

Sub-section (2) of section 3 of the Bombay Electricity Duty Act, 1958 provides for exemption from levy of electricity duty in respect of matters specified therein. In order to make all new industrial undertaking at par for the purpose of exemption irrespective of the source of power supply, it is proposed to substitute clause (vii) of sub-section (2) so that all new industrial undertaking shall have benefit of exemption for a period of five years from the date of manufacture or production of goods for the first time. In the case where the building, machinery or plant previously used for the industrial purpose and then transferred to a new business or undertaking, it has been clarified in the explanation, for the removal of any doubt that the total value of investment shall mean the total value of the building, machinery and plant of such investment. The proposed sub-section (2B) provides that the exemption already granted earlier shall not be affected by the amendment in clause (vii) of sub-section (2).

Sub-section (3A) of section 4 empowers the State Government to allow the deferment of payment for a period not exceeding five years. It is proposed that where deferment is for full amount of electricity duty, the deferment period shall not be more than five years and when deferment is fifty per cent. of the amount of duty, it shall not be more than seven years.

It has been noticed that licensee collecting the electricity duty from the consumer but not depositing the same to the State Government for a long period and some time consumer pays the electricity duty but not depositing the interest thereof to the State Government for a long period. Therefore, the powers have been taken to impose the penalty not exceeding 12 per cent. in a case where the licensee fails to deposit the amount within a period of six months and where the consumer fails to deposit the interest within a period of six months. The power has also been taken to waive the interest or the penalty in certain circumstances and on such terms and conditions as may be prescribed. Proposed amendment in section 8 provides accordingly.

The penalty for offence under section 9 is only one thousand rupees. It is considered necessary to enhance the said amount of penalty to rupees ten thousand.

With a view to protect the revenue of the State, it is proposed to amend item (5) in Part I of Schedule II.

This Bill seeks to amend the said Act to achieve the aforesaid objects.

**SAURABH PATEL**

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

This Bill involves delegation of legislative powers in the following respects, namely:-

**Clause 2.-** (i) Clause (vii) of sub-section (2) of section 3 proposed to be substituted by sub-clause (2) of this clause empowers the State Government to prescribe by rules, the terms and conditions subject to which industrial undertaking shall be entitled for exemption from the payment of electricity duty.

(ii) Proviso to clause (vii) empowers the State Government to prescribe by rules, the form of exemption certificate and form in which, the period within which and the officer to whom an application shall be made for obtaining the certificate of exemption.

(iii) Para (b) of the explanation to clause (vii) empowers the State Government to specify by notification in the *Official Gazette*, the value of the investment.

**Clause 4.-** Sub-section (5) proposed to be inserted in section 8 by this clause empowers the State Government to prescribe by rules, the circumstances in which, the conditions subject to which and the period for which the interest or penalty can be waived.

**Clause 6:-** Sub-section (2) of section 12 proposed to be amended by this clause empowers the State Government to make rules for the matters specified therein.

The delegation of legislative powers as aforesaid is necessary and is of a normal character.

Dated the 7<sup>th</sup> September, 2005.

**SAURABH PATEL.**

By order and in the name of the Governor of Gujarat,

Gandhinagar.

**S. S. PARMAR,**

Dated the 7<sup>th</sup> September, 2005.

Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.



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Vol : XLVI]

WEDNESDAY, SEPTEMBER 7, 2005/BHADRA 16, 1927

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## PART V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the GUJARAT GOVERNMENT GAZETTE. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

### THE BOMBAY SALES OF MOTOR SPIRIT TAXATION (GUJARAT AMENDMENT) BILL, 2005.

GUJARAT BILL NO. 31 OF 2005.

### A BILL

*further to amend the Bombay Sales of Motor Spirit Taxation Act, 1958.*

It is hereby enacted in the Fifty-sixth Year of the Republic of India as follows :-

1. This Act may be called the Bombay Sales of Motor Spirit Taxation (Gujarat Amendment) Act, 2005. Short title.

Bom. LXVI of 1958. 2. In the Bombay Sales of Motor Spirit Taxation Act, 1958 (hereinafter after referred to as "the principal Act"), in section 2, after clause (j), the following clause shall be inserted, namely :- Amendment of section 2 of Bom. LXVI of 1958.

"(jj) "tax" means tax, additional tax and turnover tax leviable and payable under this Act;"



Insertion  
of new section  
6A in Bom.  
LXVI of 1958.

Liability  
to pay  
interest on  
delayed  
payment.

3. In the principal Act, after section 6, the following section shall be inserted, namely :-

"6A. (1) Where a trader does not pay the amount of tax within the time prescribed for the payment, there shall be paid by such trader, for the period commencing on the date of expiry of the time prescribed for its payment and ending on date of payment of the amount of tax, simple interest at such rate, not exceeding eighteen per cent. per annum, as may be prescribed, on the amount of tax not so paid or any less amount thereof remaining unpaid during such period.

(2) Where the amount of tax assessed for any period under section 6, subject to appeal under section 16, revision under section 17 or reference under section 21, if any, exceeds the amount of tax already paid by a trader for that period, there shall be paid by such trader, for the period commencing from the date of expiry of the time prescribed for its payment and ending on date of order of such assessment, appeal, revision or, as the case may be, reference, if any, simple interest at such rate, not exceeding eighteen per cent. per annum as may be prescribed, on the amount of tax not so paid or any less amount thereof remaining unpaid during such period.

(3) Where a trader is liable to pay interest under section 6A and he makes payment of an amount which is less than the aggregate of the amount of tax, penalty and interest, the amount so paid by the trader shall be first applied towards the amount of interest, thereafter the balance, if any, towards the amount of penalty and thereafter the balance, if any, towards the amount of tax.

(4) The State Government may, by general or special order, waive the whole or any part of interest payable under this section in such circumstances, on such terms and conditions and for such period as may be prescribed."

Amendment  
of section 36  
of Bom.  
LXVI of  
1958.

4. In the principal Act, in section 36, in sub-section (2), after clause (b); the following clauses shall be inserted, namely :-

"(bb) the rate at which the interest shall be charged under sub-sections (1) and (2) of section 6A;

(bbb) the circumstances in which, the terms and conditions on which and the period for which the interest may be waived under sub-section (4) of section 6A;"

Amendment  
of section  
37 of Bom.  
LXVI of  
1958.

5. In the principal Act, in section 37 and the marginal note thereof, for the word "fees", the words "fees, interest" shall be substituted.

**STATEMENT OF OBJECTS AND REASONS**

Where the trader has not paid the amount of tax within the time prescribed for it, there is no provision in the Bombay Sales of Motor Spirit Taxation Act, 1958 to charge the interest on such delayed payment. It is, therefore, considered necessary to take power to charge the interest on the delayed payment of tax at the rate as may be prescribed, but not exceeding eighteen per cent. per annum.

This Bill seeks to insert new section 6A and other consequential amendments in the Act to achieve the aforesaid object.

**SAURABH PATEL**

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

This Bill involves delegation of legislative powers in the following respects :-

*Clause 3.-* (i) Sub-sections (1) and (2) of new section 6A proposed to be inserted by this clause empowers the State Government to prescribe by rules, the rate of interest, to be charged not exceeding eighteen per cent. on the amount of delayed payment of tax;

(ii) sub-section (4) of new section 6A empowers the State Government to prescribe by rules, the circumstances in which, the terms and conditions subject to which and the period for which, the interest may be waived.

The delegation of legislative powers as aforesaid is necessary and is of a normal character.

Dated the 7th September, 2005.

**SAURABH PATEL.**

By order and in the name of the Governor of Gujarat,

Gandhinagar.

Dated the 7th September, 2005.

**S. S. PARMAR,**

Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.



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Separate paging is given to this Part in order that it may be filed as a Separate Compilation

### PART V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the GUJARAT GOVERNMENT GAZETTE. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

### THE GUJARAT ENTERTAINMENTS TAX (SECOND AMENDMENT) BILL, 2005.

GUJARAT BILL NO. 32 OF 2005.

#### A BILL

further to amend the Gujarat Entertainments Tax Act, 1977.

It is hereby enacted in the Fifty-sixth Year of the Republic of India as follows :-

1. (1) This Act may be called the Gujarat Entertainments Tax (Second Amendment) Act, 2005.

Short title and commencement.

(2) It shall come into force on the 1<sup>st</sup> October, 2005.

Guj. 16 of 1977.

2. In the Gujarat Entertainments Tax Act, 1977 (hereinafter referred to as "the principal Act"), in section 2, in clause (g), in item (i), for the word "involving", the words "not involving" shall be substituted.

Amendment of section 2 of Guj. 16 of 1977.



**Amendment of 3.** In the principal Act, in section 3, for sub-section (1), the section 3 of Guj. following shall be substituted, namely :-  
16 of 1977.

“(1) every payment for admission to an entertainment, a tax, at such rate not exceeding fifty per cent. of such payment, as the State Government may, by notification in the *Official Gazette*, fix, and different rates may be fixed from time to time in respect of different classes of entertainments.”.

**Amendment of 4.** In the principal Act, in section 6, -  
section 6 of  
Guj. 16 of 1977.

(1) in sub-section (2), -

(a) for the words “specified area”, the words “rural area other than municipal area having population upto 15,000” shall be substituted;

(b) after the proviso, the following proviso shall be added, namely :-

“Provided further that any rural area having population upto 15,000 which falls within the radius of five kilometres of the area having population above 15,000 shall also be deemed within the category of the local area with larger population.”;

(2) in sub-section (3), for the words “the rates specified in Schedule-I”, the words “such rate not exceeding fifty per cent. of the payment for admission, as the State Government may, by notification in the *Official Gazette*, fix, from time to time” shall be substituted;

(3) in sub-section (5), for the words “the rates specified in Schedule-I”, the words “such rate not exceeding fifty per cent. of the payment for admission, as the State Government may, by notification in the *Official Gazette*, fix, from time to time” shall be substituted;

(4) in the *Explanation*, item (i) shall be deleted.

**Amendment of 5.** In the principal Act, in section 6A, in sub-section (3), for section 6A of  
Guj. 16 of 1977. clause (d), the following shall be substituted, namely :-

“(d) Where a proprietor has been permitted to pay tax under clause (c), he shall be liable to pay tax in advance latest by the 15<sup>th</sup> day of the month preceding the month to which the tax relates, at such rate not exceeding fifty per cent. of the payment for admission, as the State Government may, by notification in the *Official Gazette*, fix, from time to time.”.

**Deletion of  
Schedule I of  
Guj. 16 of  
1977.**

6. In the principal Act, SCHEDULE-I shall be deleted.

**STATEMENT OF OBJECTS AND REASONS**

With a view to removing hardships in prevailing system of fixing the entertainment tax, it is considered necessary to rationalise the present structure of entertainment tax. The power is therefore, taken by the State Government to fix the rate of entertainment tax as and when necessary in the interest of public at large.

This Bill seeks to amend sections 2,3,6 and 6A of the Gujarat Entertainments Tax Act, 1977 to achieve the aforesaid object.

**INDRAVIJAYSINH JADEJA**

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

This Bill involves the delegation of legislative powers in following respects :-

*Clause 3.-* This clause empowers the State Government to fix the rates of tax for admission to an entertainment.

*Clause 4.-* Sub-clauses (2) and (3) of this clause empower the State Government to fix the rates of tax to be paid by the proprietors.

*Clause 5.-* This clause empowers the State Government to fix the rates of tax to be paid by the proprietors in advance.

The delegation of legislative powers as aforesaid is necessary and is of a normal character.

Dated the 7th September, 2005.

**INDRAVIJAYSINH JADEJA.**

By order and in the name of the Governor of Gujarat,

Gandhinagar.

**S. S. PARMAR,**

Dated the 7th September, 2005.

Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.